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THE CHIEF WHIP IN THE BRITISH PARLIAMENT

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The post of Chief Whip is characteristically English. It is an undefined offshoot of the constitution. It is not mentioned in Sir Erskine May's "Parliamentary Practice." It has a sporting origin—"whipper-in of foxhounds."

Formerly, when a division was taken in the House of Commons, members on one side remained and were counted in the House. The other side went into the lobby and were counted on their return into the House. But in 1836 the present system was adopted. Members divide into Aye and No lobbies and are counted by tellers. These tellers were, and are, appointed by the Speaker, from men identified with each side of the question at issue.

Obviously, the Government of the day was primarily concerned in the result of divisions on critical or important occasions. Before going to a division it was essential to know as accurately as possible what was the general sense of their supporters. The flock had to be herded in the fullest strength possible. Doubtful members had to be persuaded and absentees brought in. This required some organization and led to the appointment of "whippers-in," who, on official occasions, acted as tellers. Gradually the House of Commons became divided into the two great parties—Liberal and Conservative. When the Government majority was small, organization and discipline became increasingly important. So a chief "whipper-in" was appointed by the party leader, with assistants. The Opposition made similar appointments. My father, from force of early habit,

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frequently spoke, even in his later years, of the "whippers-in;" but the terms "whips" and "chief whip" were soon adopted.

The Chief Whip, whether in Government or in Opposition, was the leader's chief of the staff and his confidential right hand man in all matters concerning the management of the party. It was his business to know all about every man in his party who counted, and to have a wide and correct knowledge of what was going on in the opposite party. It was essential that he should possess the confidence of his own men. It was his duty to scent dissatisfaction, the formation of disloyal cliques, and, in short, any danger to the party arising from dislike of particular measures, personal jealousies and ambitions, irritations caused by personal inefficiencies of ministers, and all possible causes of mischief arising from complexities of human nature. He received the confidence of leaders and followers alike, and then had to use his judgment for the preservation of party unity and personal goodwill. In the formation of a government he was the adviser of the man chosen to be prime minister. Principal appointments would be made solely by the prime minister in consultation with his leading colleagues and, of course, the sovereign. Even here the Chief Whip might be in a position to warn his leader that the appointment of a particular man, or a particular man in a particular post, would be risky, dangerous, inadvisable. As regards secondary posts, his counsel was essential. He knew the men, their hopes and expectations, what weight they carried and—always subject to qualifications for particular posts—what the views and wishes of the party were as regards appointments.

After the formation of the Government his principal responsible duty was the order of business. Mapping out the whole time at the disposal of the Government, he had to calculate the length of debates; to see that proper arrangements were made for all the formal business of Parliament such as financial resolutions, stages of Consolidated Fund, appropriation and army acts, and so forth; and to advise what time should fairly be given to private members for "non-official" business. This task involved knowledge of the necessities of administrative departments and the convenience of ministers and members alike.

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In short, the Chief Whip held the position of general manager of the party. But he was responsible to his chief, and not to the cabinet or (in Opposition) to any conclave of ex-cabinet ministers or other leading men.

Party organization in the House of Commons increased as the two great parties crystallized. But organization in the country did not exist, as we understand it in these democratic days. Though pocket boroughs disappeared, constituencies were controlled locally by territorial and commercial magnates. Speaking generally, candidates were selected and put forward after private consultation and after arrangements for providing the necessary money. With the limited franchise, this course was usually without difficulty, as the electors were glad to get a reasonably attractive candidate without cost to themselves. In those days most candidates, or their relatives and friends, were in a position to find the necessary money. But corrupt practices prevailed in many constituencies, and money had to be provided quietly. There are no official records of what was done. I have heard from older men many stories about those queer, picturesque, very human "eatanswill" elections. "The man in the moon" was a well-known factor. Money had to be provided, without question, to an unknown party. It was a common practice to pass bags of money through a small opening in a partition to an invisible man. This "man in the moon" distributed it according to the necessities of the local situation. The money came from nowhere and was given to nobody. But it was spent, and no one wondered. These funds were provided by the rich men. Whigs and Tories in the eighteenth and first half of the nineteenth centuries contributed to the cost of their parties largely as a personal concern and expected to gain solid advantages when office was won. The practice of giving continued when the motive sprang increasingly from loyalty to a particular party and its principles.

But there remains one matter of historical interest. The Chief Whip of the Government holds, also, Government office as Patronage Secretary to the Treasury. It is not known when the post of Secretary to the Treasury began. At first there was only one, who seems to have been a permanent officer not sitting in

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Parliament. When two were appointed, one at least had a seat. Two secretaries are mentioned in the reign of James II. The first permanent appointment, however, of joint secretaries was in June, 1711, when the Earl of Oxford was Lord High Treasurer. It is doubtful when the present practice of appointing both secretaries with seats in the House of Commons began.

The secretaries ranked first and second, the first being Parliamentary or Patronage Secretary, in direct subordination to the First Lord of the Treasury (practically the Prime Minister), and the second, the Financial Secretary, in direct subordination to the Chancellor of the Exchequer, as at present. In early days the Parliamentary or Patronage Secretary took a large share in the general correspondence of the department, which he does not now take. I have not been able to ascertain the exact date when the Government Chief Whip became ex-officio Patronage Secretary to the Treasury. Probably it was somewhere about 1845. The secretaryship itself was, no doubt, largely concerned with the loose financial practices of the eighteenth and early nineteenth centuries. Traces of this remained down to 1886. The Patronage Secretary administered a secret service fund of £10,000 a year under I Vic. cap. II, until its abolition in 1886. Minor patronage in the Revenue Department also existed; and it was the practice down also, I think, to 1886 for nominations to be made by supporters of the Government to the Patronage Secretary when customs officers were appointed in their particular constituencies. This official position, and the fact that he had full control of the party purse, naturally added authority to position of Chief Whip.

Up to the 'seventies, the functions of the Chief Whip were responsible and important, but not so burdensome as they became later. Members prided themselves on belonging to a House of "Gentlemen," and observed the courtesies of society. The time of divisions was fixed to suit the convenience of all members. No tricks to defeat the Government were thought of. There was no obstruction. Legislative business, though it increased markedly in and after 1868, was light compared with later days. The House sat for reasonable hours and rose before grouse shooting opened on August 12. Autumn sessions were almost unknown.

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The franchise act of 1867 gave the vote to 1,312,000 men in the boroughs. It was the first sweep of the democratic wave. A new class of men entered the House of Commons. The Radical party gained progressively in strength as the numbers and authority of the Whigs declined. Men began to make politics the business of their lives, and constituencies took a far keener interest in the doings of their representatives. The election of 1880 which gave Mr. Gladstone a nominal majority of 123 brought in Mr. Parnell with a following of nearly 40. He led an independent hostile group, with a chief whip and assistants. So we entered on the three-party system.

From 1880 to 1885 Mr. Gladstone's party fell roughly into three sections—Radicals, looking to Mr. Chamberlain; Whigs, looking to Lord Hartington; and the men who were not specially identified with either left or right wing. It was the final and decisive trial of strength between Whigs and Radicals for domination in the party. This struggle was specially manifested in Irish affairs, and to the party manager it was a great source of trouble. Moreover, business was further complicated by guerilla tactics, on the Conservative side, of Lord Randolph Churchill and the "Fourth Party," who were quick to operate with the Irish and other sections to the detriment of the Government.

It was in these circumstances that the post of Chief Whip became an office of the first importance. The procedure of the House of Commons had to be drastically altered to foil Irish tactics and organized obstruction. Democracy had swept away most of the older conventions. If a snap division was awkward for the Government, it was taken. Motions for counting the House, followed by an exodus of all Irish and Conservative members, compelled the Government to keep constantly on duty in the House a solid block of their own supporters. Every morning after breakfast the Chief Whip saw the Prime Minister with his plans for getting through business. The onus fell principally on him. He had to be ceaselessly vigilant and always in his place. He had to organize his secret intelligence department to get warning of all hostile moves and combinations. In all matters of tactics the Government depended mainly on the information

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and advice of the Chief Whip. The Irish question was growing in urgency, and its vital issue was directly raised in the last half of 1885. Lord Randolph Churchill was always in touch with Mr. Parnell. That cold, impassive man only extended such confidence as it was in his nature to give to those who were actively hostile to his enemy of the moment, or to those who openly committed themselves to what was material in his own policy. Lord Carnarvon, the Conservative lord lieutenant of Ireland, coquetted with home rule and met Mr. Parnell in an empty house.

Mr. Parnell then made the greatest political mistake of his life. Over-rating the importance of these overtures, he gave the whole strength of the Irish vote to the Conservatives in the general election of 1885. Aided by the county franchise act of 1885, the Liberals were returned by a large majority. But numbers of them had been led by the bitterness of Irish attacks to retaliatory denunciations which prematurely and definitely committed them against home rule. The result, ultimately, was the defeat of Mr. Gladstone's home rule policy, long delay, and the well-known events culminating in rebellion, the Black and Tan methods of Mr. Lloyd George, and the compulsory surrender of the Coalition Government in the grant to Ireland of dominion home rule.

All this may seem irrelevant to the subject. It is not so. If the Chief Whip in 1885–6 had been gifted with the aptitude and methods of Colonel House (as depicted in a famous book), the story of the Irish question might have been—I believe would have been—very different. He would have labored to prevent Mr. Parnell's fatal blunder; he would have induced friendly and understanding relations between the Liberals and Nationalists; he would have proved to the Nationalists that their right course was to maintain their independence of British parties and to make their constitutional appeal to the minds and hearts of British voters. Had this been done, the whole tone, temper, and results of the election of 1885 would have been different.

The Chief Whip was a Whig of ancient family, and an able and loyal man. But unfortunately he was strongly opposed to Mr. Parnell, and also about to resign his office. He made no attempt

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to operate. The electioneering mesalliance of Tories and Nationalists in 1885 became an accomplished fact, and it was the primary cause of the home rule collapse in 1886.

The episode serves to show potentialities of the Chief Whip's position in a wider field than the daily business of the House of Commons. In the 1880–5 Parliament I was an assistant whip. Being also in daily touch with my father, I was in the center of party affairs.

In 1899 Sir Henry Campbell Bannerman, leader of the Liberal opposition, appointed me as his Chief Whip, and I held the office for six years. By this time the Chief Whips on both sides had become the responsible party organizers in the country, in addition to their House of Commons duties. I now deal from my own experience with the work of the Chief Whip in opposition.

The broad distinction between a Chief Whip in office and in opposition is this. In office, the Chief Whip has to concentrate on his parliamentary duties, which are essential to the work and security of the Government. In opposition, he is in daily touch with the Government Chief Whip, who informs him about the order of business and consults him about the views, wishes, and actions of the Opposition. The Government is always in responsible action; the Opposition only when it chooses. Good personal relations between the Chief Whips are essential, and a mutual understanding of the general position. Incidentally, I may say that I married in 1901, in the middle of acute political combat, and that the first present I received, which I have always greatly valued, was a fine cigarette box with the signatures of the Chief Conservative Whip, Sir William Walrond, and his six colleagues engraved on the lid.

Having more time at my disposal—the House of Commons work being less onerous in opposition—I could turn my attention continually to party organization in the country, to fighting by-elections and—for the purposes of the next general election—to the determination of the most efficient men available in over five hundred constituencies. This decision upon candidates was, in fact, a task of great importance. The best stroke in organization was to put good candidates in the field. They inspired good local

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organization. Local managers are always keen to get good men. It is characteristic of British constituencies to pass over adequate men of their own and to look for more attractive outsiders. In this they seek the assistance of the Chief Whip. "Carpet-bagger" is a term of reproach; but in this country it has, as a rule, small significance, because we are, with all our divergent racial and provincial differences and peculiarities, too closely packed for personal estrangement.

My duty was to work for a Liberal majority. The success of a Government is largely determined by the character and ability of the party out of which it is formed and upon which it must depend. The necessity of finding the best men possible is obvious. It was an interesting task because it involved the quest for rising men, and particularly young men. In sole and absolute control of the party funds, provision had to be made, in many cases, for election expenses in whole or in part. Incidentally, this added much to the authority of the Chief Whip.

The actual duties of Chief Whips in the House of Commons, and as organizers, are comprehensible enough. All this grew out of House of Commons work and political development. But there is a further, and very important, aspect of the Chief Whip's functions. The rising tide of democracy established him—and this applies to both parties—as the intermediary and the essential link between the party in the House of Commons and the House of Lords at Westminster and its supporters in the country. I illustrate this by a brief description.

The National Liberal Federation, elected on a purely democratic basis, exists for the purpose of political propaganda in the country. Originally founded by Mr. Chamberlain, its general object was the furtherance of Liberal principles with organized power to press effectively the ascertained demands of the party in the widest sense on the leaders and their supporters in Parliament. It was purposely kept free from all party officialism. It expressed its wishes freely on all manner of questions, whether ripe for settlement or otherwise. It was productive of energy and enthusiasm and had an authority which never could be ignored. On the other hand, experienced leaders at the center pursued

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practical politics; and, while always ready to encourage progressive ideas, they had to formulate policies consistent with the realities of parliamentary possibilities. So the Chief Whip became a liaison officer with a department of his own. It was natural enough. He held the confidence of his chief and the party, controlled finance, and was a trained parliamentarian. A Central Liberal Association was constituted with powers to act as they thought fit in the interests of the party, and the Chief Whip was made its ex-officio chairman. Membership was virtually confined to the party in Parliament and leading men in the country who were ready to pay a moderate annual subscription. Practically, however, this body supported, and did not interfere with, the actions and responsibilities of the Chief Whip. Its real function was to give him a constitutional status.

It will be seen, therefore, that the Chief Whip, even in opposition, became a very important person in domestic politics. Summing up, his principal functions outside the House of Commons were as follows: (1) All grants of money to assist candidates in elections and to constituencies for local organization purposes were given by him on his sole responsibility; (2) He was primarily responsible for suggesting and introducing candidates to constituencies that were in need of them; through his agents, and otherwise, he was in constant search for new and likely men in all parts of the country; (3) It was his duty to see that all local organizations were in good working order, relatively to the proximity of a general election, and particularly that the statutory registration of voters was annually kept up to date; (4) It was his duty also to keep in direct touch with the president and leading men of the National Liberal Federation, to note and estimate the importance and strength of all political and social movements in the country, and to report accordingly to the leader of the party; (5) He attended all meetings of what ultimately was known as the "shadow cabinet." In effect, this consultative body was summoned by the leader of the party at his sole discretion, with the Chief Whip as consultant. It may or may not have included all ex-cabinet ministers. It almost invariably included other men of rising importance.

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In these consultations lies the Chief Whip's highest responsibility. In the House of Commons he is presumed to know all that is passing in the rank and file of the party. He has to form an accurate judgment of the currents of opinion in the country. On the accuracy of that judgment much depends, and his reputation is made or marred accordingly. I give an example, though I speak without inner knowledge.

Lord Beaconsfield was misled by his responsible adviser after the treaty of Berlin in 1878. Opinions differ on the merits of Lord Beaconsfield's policy in Eastern Europe at the time, but the treaty was a definite accomplishment, and "peace with honor" gave an obvious occasion for an appeal to the country. The chance was missed, and subsequently an utterly wrong diagnosis of national opinion resulted in the disastrous defeat of the Conservative Government in 1880.

I have now described, I hope with sufficient fullness and clearness, the functions and position of Chief Whip for some seventy years before the Great War. In the chaos of parties consequential to the "coupon" election of 1918 and Mr. Lloyd George's coalition government, the functions of Conservative Chief Whip have been, I believe, considerably modified. The post of Liberal Chief Whip, though still important, has been changed out of recognition. Democracy has claimed the management of the party. The Chief Whip's duties in the House of Commons remain. He is no longer responsible for finance and organization. Committees have been appointed to discuss for hours what one competent man could decide in a few minutes. Experience will probably teach the necessity of reverting to more practical methods. Democracy as a basis is essential, but when it seeks to manage men and affairs in the standing or recurring difficulties due to the vagaries and complexities of human nature, direction by scores of competing tongues, and eyes looking rather to the multitude than to business, it has always been inefficient and frequently disastrous.

Whatever may be the Chief Whip's functions now or hereafter, in the years of which I write he was an important personality in the history of the two then great political parties.

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PERMANENT OFFICIALS IN THE NATIONAL ADMINISTRATION OF THE UNITED STATES

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The tendency of all government is toward bureaucracy. The government official is inclined to exaggerate the importance of his office. He is constantly tempted to expand its scope. He is properly jealous of his authority. He looks askance upon the activities of other officials who seem to be trespassing upon his ground. In his construction of the law he is prone to insist upon the letter which killeth but to overlook the spirit which giveth life.

I think that this tendency is inevitable. It is inseparable from zeal and pride, and these qualities are essential to successful administration. Where, however, the enterprise is a vast one, as in government, or as in a great business organization, these tendencies, if left uncontrolled, are likely to inflict serious injury upon the service. There will be constant friction among the various subdivisions of the particular department. At times the activities of one will neutralize the activities of the other. A set of arbitrary rules is likely to be evolved which will vex everyone who comes in contact with the particular bureau. The original purpose of the creation of the bureau is finally lost sight of, and it is likely to seem to those who direct it an end and not a means.

In the early days of the republic, when processes of government were comparatively simple, there was little danger of bureaucracy. It was possible for a cabinet member in our country both to formulate the policies and to execute them satisfactorily. That time, however, has long since passed. Today a cabinet officer finds himself, upon entering office, overwhelmed with a vast amount of purely administrative work. He has no one to turn to but his bureau chiefs. They, however, are not always in accord, and no one of them can have an adequate understanding of the department as a whole. They may be excellent in their places, but each necessarily is more interested in his bureau than in the other bureaus of the department. There is no one with whom the secretary may consult who possesses either the knowledge or the authority for coördinating the work among these bureau chiefs.

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If, therefore, he would become the actual and not the nominal head of the department, he must himself undertake to master the department in all its details. No matter what his ability, this is an almost impossible undertaking. The service, therefore, must suffer. It cannot have the vigor nor the efficiency which it should possess if it is to serve the purposes for which it was created.

Another result quite as deplorable is that if the secretary be conscientious he becomes the slave to administrative detail. He cannot give the time required to the larger questions of policy nor to the consideration of public questions involved in his department which the president has a right to expect from him in his capacity of adviser to the president.

It is coming to be more and more recognized that a cabinet officer cannot undertake the actual administration of his own department if he is to meet adequately the other duties imposed upon him. As Sir George Murray says, in his admirable report upon the organization of the public service in Canada, "The business of a minister is not to administer but to direct policy. When a minister has laid down a line of policy to be adopted in his department, the carrying out of this policy, or in other words, the administration of the department, should be left to his subordinates."

If popular government is to succeed there must, of course, be political ministers of state. There must be men appointed for the sole purpose of giving expression to the policies which the people have approved at the polls. There must, in other words, be a cabinet composed of men who are in sympathy with the party in power. If, under the complex situation which now exists, cabinet ministers undertake both to impose policies upon their several departments and at the same time to administer in detail those departments, they are likely to fail in both respects.

Aside from determining policies, there is another function of a cabinet officer which is vastly important. He comes into the office from the outside world. He is the point of contact between the department and the people. He has the viewpoint of the public as to the results which are expected from the department. He can exert an enormous influence in giving new tone and vigor to the

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department, making it respond better to the needs of the service. This he cannot accomplish unless he be relieved of the details of administration. He cannot be relieved of the details of administration unless there is someone under him to direct the purely administrative work of the department. Even though the bureau chiefs are permanent, they too must be coördinated, and they can be coördinated only by someone who is their superior and who himself is as conversant with the business of the department as the bureau chiefs themselves.

As government becomes more complex, permanent officials become more and more necessary. When a change in administration from one party to the other occurs, one or more officials in every department of government who are familiar with the business of that department are continued in office because of the necessities of the case. No matter how sweeping the changes in the personnel of office expected by the party coming into power, and frequently promised by its leaders, it is found in practice absolutely necessary to retain a certain number of the old officials in order that government may go on at all. There is no such thing in the United States, however, as an organized body of permanent officials in any department of government. There cannot be such organization until there is a permanent official in every department who is himself the head of the permanent officials. In other words, there must be a permanent under-secretary in every department if the incoming administration is to derive the largest benefit from the permanent officials who, we have seen, are indispensable.[1]

There is a general recognition of the need of reorganizing the federal government. The last five presidents of the United States have recommended such reorganization. The difficulties of the undertaking, however, have been so great that thus far but little progress has been made. It may well be that the creation of permanent under-secretaries in all the departments of government would be the entering wedge. Nor do I think that this change

[1] Professor A. W. Macmahon, of Columbia University, will contribute to an early number of the REVIEW an article dealing at length, historically and functionally, with under-secretaries in the government departments at Washington. *Man. Ed.*

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would be difficult to accomplish. If Congress should authorize the creation of permanent under-secretaryships with adequate salaries, they could be filled in the first instance by men upon whom the leaders of both parties should agree. The vast bulk of the business of the departments involves no question of party policy. Both parties in Congress desire equally that this public business should be conducted efficiently. Even in party questions they equally desire authentic information as to what actually is being done by the government. At times under the present system the opposition doubts the accuracy of the information furnished, and therefore the minority, I believe, would welcome permanent under-secretaries. Suppose these places were created and the president called the leaders of both parties in the two houses of Congress together to consider men for these places. That all so interested could agree upon men best fitted by training and character for these important posts, I do not for a moment doubt. This precedent being established, no future change in administration would be likely to imperil the tenure of these officials. Indeed, today there are in some of the departments of government men of expert knowledge who are considered so essential to the proper functioning of the departments that there is no thought of changing them with changes in the political administration of the country.

When once the policy of permanent under-secretaryships was established, future vacancies would be filled by promotion, if we may judge from the experience of other countries. There would be no lack of ability developed in the several departments upon which to draw for this important place. Wherever a permanent under-secretary has become a part of the scheme of government, the position is one highly prized, hardly less so than the cabinet office itself. The fact that it is within the reach of every man who enters the public service has the effect of attracting toward the public service a better class of men than it is now possible to interest. It puts the public service more nearly upon a plane of equality with other professions. It gives a new dignity to the public service as a whole. At present in our government the ablest young man who enters our civil service cannot hope to go

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beyond the place of chief of a bureau. If he might aspire to become the permanent administrative head of the department, we would secure a much higher order of entrants into the public service. Nothing would so elevate the morale of the lower grades of the public service as the knowledge that these high positions were within the reach of the humblest clerk. He could then feel that whatever he does well will in time receive due recognition, for the organization through which he works is a permanent one.

The under-secretaries would consider not political questions, of course, but only the problems of administration. Overlapping, duplication, wasteful methods within the department itself would have a chance to be brought to light and to be remedied. If there appeared, as there certainly would, duplication and overlapping as between the departments themselves, the permanent under-secretaries would uncover this and would be able to suggest means by which this might be avoided. For it is inconceivable that permanent under-secretaries of the several departments would not coöperate among themselves for this very purpose. There would be close contact among them, because only in this way would each be able to secure the best results for his own department. If it appeared, as it certainly would, that there was weakness due to the present arbitrary allocation of bureaus to departments without any reference to whether they belong there or not, an intelligent scheme for re-allocation would be suggested by the under-secretaries, if for no other reason, in order to secure the better workability of their own departments.

If it were to appear to the under-secretaries, in their efforts to coördinate and make function the several bureaus within their departments, that the law should be simplified with reference to the conduct of public business in those bureaus, they could so recommend and make it so clear to Congress that Congress would not fail to act. Where they found that the law itself, by reason of its minute requirements, made red tape unavoidable, they could point out modifications of the law which would overcome this. In brief, I can see how in many ways the creation of permanent under-secretaries might be the first step in any effective reorganization of the government machinery.

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One of the anomalies in our government at present is the large number of public agencies outside of any department of government. There are more than forty of these, we are told. That the principle of concentrating the activities of government into appropriate departments is sound, I think no one will deny. It is the principle upon which all large organizations of business are based. It is the only method known by which intelligent supervision can be maintained. And supervision is one of the chief duties of the chief executive of the nation. The president of the United States can exercise adequate supervision only where every executive duty resting upon him comes first under the observation of some cabinet officer. It follows that all activities outside of one or another of the departments largely go their own way, a law unto themselves. The most glaring example of this is where a board or commission is set up to perform administrative duties. It tends to become a little government by itself, an *imperium in imperio*. It is likely to ignore its relations to other branches of the executive department. It is responsible to no one in executive authority and frequently is an excrescence upon government.

There are several reasons for this modern practice. Doubtless boards or commissions are sometimes created to give lucrative places to statesmen out of jobs. More often, though, I think it is due to other causes. Congress may desire to remove the particular activities from partisan control. Or the work to be done is of a technical nature and the department of government to which the new function would naturally be assigned is not adequately organized with high permanent officials capable of supervising the work. If now we had in each department of government a permanent under-secretary who was a recognized authority upon the subjects administered in his department, who did not come and go with changing administrations, but whose tenure of office was as permanent as any commission would be, the case would be different. The reluctance which Congress now feels toward allocating the new activity to its appropriate department would largely disappear. To illustrate: suppose that when the Shipping Board and the Emergency Fleet Corporation were established there had been such a permanent under-secretary in the Depart-

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ment of Commerce; that department might well have been charged with the duty of administering these new laws. If this had been done, who can doubt that these laws would have been better administered by the Department of Commerce than by these extra-departmental bodies. The same thing might be said of the Veterans' Bureau and numerous other purely extra-departmental agencies of government.

In his illuminating work upon the government of England, President Lowell points out the vast importance of the under-secretary in the English machinery of government. One cannot read this work without concluding that it is not too much to say that the actual administration there revolves around the under-secretaries of the several departments.

The price we pay for an advancing civilization is a growing complexity in the affairs of men. New problems grow out of this complexity. Men must meet and solve these new problems or the advancing civilization will overwhelm them. As President Lowell says, "As scientific and technical knowledge increase, as the relations of life become more complex, there is an ever-growing need of men of special training in every department of human activity; and this is no less true of the government than of every other organization."

If we are to keep up in government with the new problems presented, we must more and more rely upon a body of officials trained to do their work. Successful government seems to be the most difficult task to which men have addressed themselves. And yet upon the successful conduct of government depends civilization itself. With the enormous strides we are making elsewhere, the chief concern of thoughtful men is whether or not we shall make government bear the increasing strain which is put upon it. It is certain that it can stand this strain only if we employ in government men of larger training and of greater ability all the time. But men cannot be trained over night for the important posts in government any more than in the professions or in commerce or in industry. This means that we must more and more depend upon permanent officials in the conduct of public business. To attract men of parts, scope must be afforded for their ambition.

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I have been much impressed in this respect by the difference between England and the United States. Take the English foreign affairs department, if you please. Within that department there are permanent officials who are experts upon every phase of England's relations with the rest of the world. They are recognized authorities in the several fields in which they are engaged. The young man of first-rate ability enters that service as we enter the professions here and looks to it as a career. He knows that if he be equal to it he may attain a high place in the foreign service. He may hope one day to be under-secretary of state for foreign affairs. He may aspire to the highest posts in diplomacy. The embassy at Washington or Berlin or Paris is not beyond his reach. How different in America, where the highest prizes in this department of government often go not to the men trained for them and best fitted for them, but as rewards for political service. Both great parties in the United States have been wont to exchange diplomatic posts for contributions to the campaign fund.

Wherever we find the actual work of administration carried on by a corps of permanent officials, the country itself does not feel the shock of passing from one administration to another, which is inevitable in the United States. For instance, a little while ago the English government passed from the control of the Conservative party to that of the Labor party—from one extreme to the other. And yet the business of the government went on as usual, because there was no change in the body of permanent officials who do the work of government. Indeed, I am informed that the only changes in the personnel of government were in the political heads of the departments. The new ministry determined its new policies, but the actual business of government went on as before. So it is in most of the countries where self-government still prevails. A change of ministry means a change in policy, but the machinery of government remains the same. Elsewhere science and common-sense still play a larger part in the government of progressive nations than with us.

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EUROPEAN DICTATORSHIPS

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The American viewing present-day European governments is more than ordinarily perplexed. He knew that states, great and small, had adopted nineteenth-century constitutions in conscious imitation of free British parliamentary self-government. The four ancient governmental systems associated with the names Romanoff, Hapsburg, Hohenzollern, and Othman, which were based on autocracy, with or without a claim of divine sanction, with or without a record of efficient service—these he had seen the Great War bring down to cataclysmic ruin. Perhaps he had thought of that war as democracy's righteous, forceful defense of itself against the aggression of imperialism. He had seen, if not shared, high hopes of a reconstruction, wherein free states should cooperate in a league of peace, and rival each other only peacefully, in perfecting democratic constitutions and the mechanisms of individual liberty and social order.

A few short years afterwards his ears ring with the newspaper din of portentous names like Mussolini, Primo de Rivera, Pilsudski, Stalin. He feels an atmosphere of skepticism or denial that envelops the wan figure and (in Mussolini's startling phrase) "more or less decomposed corpse" of political liberty. He faces an apparent reversal of the supposed universal progress toward democracy that he had been taking for granted. He wonders whether his law of gravitation is undergoing a critique of relativity. Are national institutions in a process of re-making, to provide room for the action of Carlylean heroes? Are we slipping into a new Age of the Despots, whether enlightened and benevolent or otherwise? Must the American again con the lessons taught by the careers of Augustus, Medici, Henry Tudor, Bonaparte? He reads the warning of Lord Bryce in his less optimistic old age: "Popular government has not been proved to guarantee always and everywhere good government. If it be improbable yet it is not unthinkable that as in many countries impatience with tangible evils substituted democracy for oligarchy or monarchy, a like impatience might some day reverse the process."

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Not to limit our view to clear cases like Mussolini's, it is suggested that the contemporary phenomena of one-man-rule, with its causes and consequences, may be studied in many other instances of domination. They shade off by degrees not easily distinguished. They include the Horthy-Bethlen combination in Hungary, Venizelos at times and more recently Pangalos in Greece, Mustapha Kemal in Turkey, and Riza Khan in Persia; Pashitch, Bratianu, Stambuliiski, and Tsankoff in the Balkans. Indeed many an Englishman thought he felt the same kind of pressure from a Lloyd George dictatorship until 1921.

The present period, which we might call the post-Post-War, is characterized by a popular longing for "tranquillity." It has some features in common with England's reign of Charles II following a generation of civil war; with the first dozen years after Waterloo, under the sign of Metternich; with the frigid fifties, preoccupied with recovery from the exhilarating adventures of 1848, a period symbolized for Europe at large by the Second Napoleonic Empire, showily but shakily founded on the ruins of the Republic.

Rome gave to constitutional history the two concepts of dictatorship and empire—both being forms of one-man-rule, but markedly diverse. The Roman dictatorship was a phenomenon (very rare) of the republican constitution. While it was in operation it was unlimited, but it was essentially temporary, for tiding over a crisis—invasion or civil turmoil or an administrative impasse—that could not be dealt with in terms of law. The dictator was armed with extraordinary, super-constitutional power to save the constitution, "to see that the republic suffer no harm."

Empire, on the other hand, came only on the ruins of the Roman republic, after two generations of proscriptions that were suicidal, and of civil wars that ended in no victory or peace. It was a sign of that ruin that Julius was made, or at least called, dictator four times in a decade; and his nomination as dictator for life (a contradiction of terms) was followed in four feverish weeks by the Ides of March that ended him. His adopted son, Octavius, whose genius organized what later became empire,

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took care not to be called dictator, though his "principate" shared with dictatorship the quality of absoluteness. By etymology, the frequentative word "dictator" suggests much, or authoritative, *speaking*. The veiled boss-ship of Octavius, on the contrary, was a multiform, and yet unified, *doing*. The Senate, the consuls, the tribunes of the constitution were to go through their motions, but there was to be one effective First Citizen, controlling them. The actual autocracy and self-responsibility were to come to light only gradually, and then to be called "empire."

Coming down to present-day autocracies, it may be useful to utter a word of warning against the temptation to blame all on the war. It was easy, eight years ago, to join in the universal chorus, "C'est la guerre." Events of 1919 taught us that this was undue simplification. So also with the hope of a cure-all in that blessed word, Reconstruction. Neither "la guerre" nor "Reconstruction" produced dictatorship, though both episodes exposed and aggravated existing anti-democratic elements. A striking commentary on the variety of environments in which this phenomenon flourishes is the fact that of the countries we here review Italy is a victorious great power, Spain a war neutral, Russia an Entente great power that deserted to embark on a world crusade, Hungary a beaten minor power, Greece a neutral forced into half-hearted participation on both sides, and Poland a constant battle ground, participating on all three sides, Entente, Central, and Russian.

Let us view these states and their statesmen individually, realizing that information is conflicting and unreliable, and therefore difficult to interpret. We should be especially cautious about generalizing. Diverse local and national forces are in conflict and combination; resulting constitutional consequences appear identical, but only superficially. It is not a peculiarly European phenomenon with which we are dealing. In part it is local, in part it is broadly human, shared by men on this side of the Atlantic.

Inevitably there are repercussions across boundaries, but of doubtful effect. Alphonso XIII, visiting Rome, introduced Primo de Rivera to Victor Emmanuel with the words, "This is

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my Mussolini." But this gave offense, so that the royal return visit was paid without the accompaniment of Mussolini. However insistent Italians may be on the point that fascism is a gift of the gods to Italy alone, some Germans, some Frenchmen, and even some Englishmen, assume the name and hope to turn some of its prestige to their own account in their non-Italian environments. But if the importation of British parliamentary government to the Continent be difficult, how much more difficult to transport from country to country the medicaments adapted to the cure of a sick parliamentarism! One country's cure may be another country's poison. Especially the quantitative judgment regarding the supposed medicine. How much of this or that? All depends on the patient's constitution. Which brings us back to our task as students of comparative constitutional practice.

Italy had a monarchical constitution founded by Cavour in conscious imitation of Britain. But out of the age-long inexperience of self-government, especially in the south and the islands, there grew up a parliamentary boss-ship personified by such men as Depretis, and, during the fifteen years preceding the war, Giolitti. The more or less invisible master "made" parliamentary elections, taxed and administered, manipulated the spoils of legislative and administrative favor for log-rolling deputies, localities, private interests, with relatively little reference to national opinion, if such there were. Ministries rose and fell; Parliament was always starting and stopping, never arriving at the solution of problems. The middle-class politicians fell into personal coteries without party discipline. The rising tide of socialism was irreconcilable and non-coöperating, and the great fund of Catholic conservatism was (until 1912 entirely) excluded from political life by the state's anti-clericalism resulting from the Roman question. Immediately after the war a great movement of Catholic, but not Clerical, politics (Don Sturzo's *Popolarismo*) offered itself as both patriotic and radically reforming. But, although it elected one hundred deputies at the very first test (1919), its relation to both nationalism and the Church was too equivocal to permit it to survive in a time of strong passion.

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Post-war socialism, on the other hand, at first captivated, then cruelly disillusioned, by the news from Moscow, faltered and fell into disunion and impotence.

Mussolini's fascism, altering its doctrine with the utmost facility as concerning the monarchy, the Church, proportional representation, and even private property, remained true to one cardinal tenet, the worship of the National Being. To an Italy exhausted by three years of economic and social civil war, utterly weary of an anarchy that the constitutional parties (it was alleged) had created, and certainly could not conjure away, Fascism presented a nation's saviour, the one man of will and action.

Elected to Parliament in 1921, Mussolini had devoted himself to the three-fold task of (1) sabotaging, like Parnell, the parliamentary machine, (2) building up a disciplined body of lawless followers, and (3) preparing public opinion for his own Messianic epiphany. In the summer of 1922 an abortive general strike demonstrated the destructive tendency of the socialistic Left's proposals, and, worse yet, the ridiculous impotence of the legal government. The Fascists, already an armed *imperium in imperio*, performed the government's work for it. In late October the trumpet was sounded and the walls fell down. Fascist armed bands converged on Rome, a premier proved pusillanimous, royalty saved its throne by accepting a *coup d'état*—and Mussolini became prime minister. The appointment was in legal form, but the whole performance was obviously in revolutionary spirit, an act of force. During some months of transition men of various parties remained ministers; but one was their master, and that was not Parliament but the president of the council; and he, not as president of the council but as commander of the faithful. Gradually they have been supplanted by pure Fascists, who have sunk from collaborators to mere assistants of the all-powerful *Duce*. Parliament was allowed to meet for the purpose of hearing threats and uttering hurrahs. A small Opposition brought in at the election of April, 1924 (practically a Napoleonic plebiscite), seceded to the Aventine to protest the moral complicity of the whole régime in the murder of Deputy Matteotti. But they were

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hopelessly weakened by internal differences, and public opinion seems not to have been greatly disturbed when the Aventinists were unceremoniously purged out as disloyal.

With the very real and substantial achievements of Mussolini we are not here concerned—the rehabilitation of finance, of education, and of public works, the stimulation of production, the body blows at bureaucracy. The method of all is by ministerial decree. The parliamentary system is, for the present, dead. And so are the elementary liberties of the citizen to express criticism of the power that is, by public speech, printing, and effective voting. Yet the Italians accept the situation. There is a growing and significant group of exiles who protest, but the non-political ninety-nine per cent accept it all gladly. They are getting the results of energetic government, without the difficult responsibilities of self-government. Are they careless of what is to happen after the Messiah shall have become fat and lost his energy, or grown bored and selfish and lost his public spirit—or undergone some more tragic and sudden, and perhaps more characteristically Italian, transformation?

Spain did not need the war to reveal to her the difficulties of democracy. Economically backward, nearly half illiterate, worse than a geographical expression as Italy before 1860, she was called by some "an historical expression." She had suffered a nineteenth century of dynastic civil wars, and of oscillations between monarchy and republicanism. Under the Bourbon family since 1875 her ministers had succeeded each other by a collusive "rotative" system that divided the tenure of office between parties and encouraged personal coteries of spoils-hunters. With chronic brigandage in some regions, nearly bankrupt finance, the unsolved relation of industrial, politically-minded Catalonia to the backward remainder of the nation, *caciquismo* (local bosses corrupting life politically and economically), the deadly drain of a hopeless, endless Moroccan campaign—there came to a head in September, 1923, the plot for a *coup d'état* which should put in real power the actual political forces, i.e., the army officers, free from the hampering of corrupted parliamentary institutions, ministers and Cortes, long despised for the petty self-seeking and

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futility for which they stood. With the connivance of the king, Primo de Rivera established himself in power, with a directory of generals to aid in solving pressing problems which the constitutional agencies were only making worse. The directory's dictatorial régime was announced as temporary, a "brief parenthesis." After some two years of temporariness, Primo de Rivera resigned as chief of the military directory, and was immediately appointed (and still remains) prime minister of a cabinet containing civilians, but unchanged in its anti-constitutional spirit. Notwithstanding hopes and promises, problems of bureaucracy, of taxation, of public works, of Catalan autonomy, of caciquism, remain unsolved.

In contrast with Italy, there has been no popular enthusiasm; the Spanish public remains politically apathetic and cynical. Partly as cause, partly as consequence, there has been no rabid nationalism. Suppression of newspaper criticism, and the exiling of Professor Unamuno gave offense to intellectual and liberal opinion, but such opinion has not been vital enough to suffer keenly from any offense. The main opposition, characteristically enough, has been among cliques of army officers. During the summer of 1926 the engineer and artillery corps made some resistance to the dictator's efforts at reform of the system of promotion. He calls it the introduction of promotion for merit, but they shrewdly suspect that the breaking down of their aristocratic privilege of promotion by seniority is not so much for merit's as for Primo's sake. The outcome of the movement was failure; but repression was mild, and the army will probably remain constant to the dictator. There is little present evidence of a popular movement to put an end to the dictatorial régime. The régime has not accomplished much, but it exists, it has force, and nothing has yet appeared to take its place. There can be no cure for Spain's difficulties save the slow education of the public conscience and development of a habit of resolute insistence on public liberties.

One political form which the French always associate with the Bonapartes is the plebiscite. What hollow mockery a plebiscite may be was demonstrated last September on the third

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anniversary of Primo's régime. An impressive victory at the polls, to the amount of six millions, was reported. But the observer must note that for voting against the régime no opportunity whatever was given. There was no secret ballot for voting yes or no. The state functionaries and Primo's fascist "Patriotic Unionists" dragooned the passive population into signing a manifesto. Plain and semi-official intimation was given that it would go hard with those who refused. There were instances in plenty of suppression and falsification of returns, to give the appearance of a unanimous nation, happy in its present governors. A ghastly farce it all was, if one thinks of Spain as a potential member of the family of self-governing nations, with a culture that entitles her to something better than the pronunciamento constitutions which we associate with Caribbean America.

Russia makes no pretense of parliamentary self-government. Since 1917 she has proudly flaunted her dictatorship. Nor is it a dictatorship of the proletariat, although it has constantly been administered in their name and behalf, so far as circumstances of civil war and invasion and famine and industrial breakdown would allow. One master mind framed the revolutionary program, planned the action, and when events of 1917 proved favorable seized power, relying on the obedience of the faithful, and developing Red Army and Tcheka to root out or coerce the rebellious.

Since Lenin's death and apotheosis, a small oligarchy of twelve or more apostles conduct the Russian enterprise in his name and seek even to make disciples of all nations. From the disputes that have leaked out, it would seem that Stalin is Lenin's general heir as to inside management of the estate, or as pope of the new church; and even such epic figures as Trotsky and Zinoviev find the readjustment difficult. They may remain faithful, but it is in definite hierarchic subordination. So also with the half million members of the Communist party. Their very existence as a *party* is a startling innovation for Russia, whose present political experience is perhaps a hopeful beginning of popular connection with government. But the party members do not control the commissars; they rather receive and disseminate

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official doctrine and execute official orders. The government is answerable not to a constituent assembly, or to soviets, but to its own conscience. A corrupt, inefficient bureaucracy has been supplanted by an inexperienced but devoted, unselfish one; and there is a band of followers who have no power, but who do have faith.

They may mock economic science, they may defy world opinion, and even sacrifice consistency in fundamental doctrine. They may postpone communism to a distant future, except as a religious ideal for the education of youth, like the Sermon on the Mount in so-called Christian civilization. But meanwhile they are governing Russia and rebuilding her. Economically, the country may be temporarily worse off than before the revolution, save for the policy of legislation favorable to labor. Politically, the country is no worse and hardly better off, i.e., from the point of view of constitutional government.

Hungary emerged from the war so completely defeated that for four months responsibilities were abandoned to a group which might be called "defeatist" with reference to the nation's war aims. While the Paris Conference hesitated and Hungary's neighbors seized as much territory as they could, the Karolyi régime, with all its humanitarian hopes, fell into impotence. Then followed four months of bolshevist experimenting. The Bela Kun régime perished partly of its own ineptitude, partly under the attack of the Rumanians taking revenge for past Rumanian sufferings at Magyar hands. In the autumn of 1919 the Rumanians were got rid of, partly under Entente pressure, partly through a revival of Magyar nationalism, organized under the lead of Count Bethlen, a Transylvanian land-owner, schooled in the old system of Magyar domination. In March, 1920, the National Assembly entrusted supreme power to Admiral Horthy as regent. Hungary was to remain as always a monarchy, but the dynastic question was left in abeyance. Twice in 1920 the ex-emperor, Charles, tried to reëstablish himself on the throne; but the Little Entente forbade, and upon Charles's death in exile the Hapsburg claim devolved upon young children. After a succession of short premierships, Count Bethlen, in April, 1921, was appointed

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prime minister. The Horthy-Bethlen régime has remained ever since, firm as a rock during nearly six years. It has a sufficient majority in Parliament, but its actual base is of a character possibly entitling us to include Hungary in a list of dictatorships.

During several months after the establishment of the present régime the memory of the Red Terror seemed to excuse savage reprisals by the Whites. As the government grew stronger, this Terror gave place to a systematic repression of radical, or even liberal, politics, largely under forms of a flexible sedition law; but an omnipotent government still imprisons without trial those who disturb its political peace. The parliamentary suffrage is extremely narrow; the constituencies are fantastically gerrymandered; voting is largely open and controlled by administrative corruption and intimidation. Indeed, the old parliamentary sham, long ago exposed by Steed and Seton-Watson, is again in full operation.

There are some attitudes of the government which are the natural result of war defeat—exaggerated nationalism, worship of privileged war heroes, intolerance of racial minorities, measures (so far as the Trianon treaty allows) keeping up military vigor and for compulsory military training of youth. But much of this "preparedness" seems to be motivated mainly by the determination of the Magyar land-holding junkerdom to maintain its old position of force-domination, to stifle progressive thought, to manipulate taxation so as to favor the powerful, even though leaving the landless peasant and the Budapest proletarian to sink into hopeless misery. This is nothing new in Hungary. We observe it here as an instance of dictatorship of a rather brutal economic sort, which justifies itself to the world under the pretext of defense against the bolshevist bogey.

Turning to Greece, we find something entirely different. She has long been known for the fervor and belligerency of her politics under the modern parliamentary régime, not to speak of a classic habit of retiring too prominent politicians, which became proverbial as "ostracism." Furthermore she has suffered fourteen years of unparalleled vicissitudes. There were the two Balkan wars of 1912–13. There was the constitutional duel between King Constantine and Venizelos, a difficulty enhanced during the war

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by Constantine's neutralist and Venezilos' Entente leanings. There was the disastrous irredentist ambition to recover all the Greek subjects of former Turkey, which led the army immoderately beyond its depth into Anatolia and brought on the debacle at Smyrna.

Through all these trials Greece had to pass without a fair share of the steadiness that monarchy is supposed to give. The royal house had no deep roots in the past; the dynasty was the second in one short century of national history. Constantine's essentially political career made the monarchy seem a thing somewhat dependent on general elections. The kings had alternated between periods of residence in the palace and in exile.

Not unnaturally, the people have grown weary of barren political conflict; confronted by crucial economic difficulties, they crave tranquillity, freedom from military quarrels and parliamentary cliques. But these blessings are easier to hope for than to attain. From June, 1925, to August, 1926, there was the experiment of General Pangalos, who ousted the ministry by force of arms, dismissed the National Assembly, and choked the press. But Pangalos seems to have lacked decision of character; he was unable to win support from public opinion, and, unprovided with that sine qua non of dictatorship, a personally loyal military force, he failed.

In the military stroke of General Condylis last autumn the sword of Pangalos, as it were, was turned against himself. It would perhaps be unduly optimistic to suppose that the constitution was thus vindicated, the demon coup d'état exorcised by a coup d'état. Nevertheless there are hopeful signs. Condylis immediately recalled Condouriotis to his rightful presidential chair, a man whose very name is guaranty of some prestige apart from either military or parliamentary cliques. An election to the Assembly has been held, with fair participation by a wide variety of political groups.

It was Poland's cruel fate, as every schoolboy knows, to be partitioned at the end of the eighteenth century. One consequence is that even a Poland restored to statehood by Allied enmity to Germany and Russia suffers, and will long suffer, from social

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divergence among the portions of her people which lived in the nineteenth century under so different auspices as those of Prussia and Austria and Russia. Then, too, there is the yawning gulf between a privileged feudal aristocracy and a backward landless peasantry; also the difficulty of a manufacturing industry torn by the peace from its accustomed base in Russia; likewise a problem of racial minorities—Jewish, White Russian, Lithuanian, and Ruthenian at one social extreme, and German at the other. It is not surprising, then, to find the Polish parliament groaning under the burden of thirty parties, to learn that up to May, 1926, there had been sixteen ministries. What happened at that memorable juncture, involving much bloodshed on the streets of Warsaw, can hardly be interpreted otherwise than as the assertion and establishment of the personal rule of Marshal Pilsudski.

This romantic hero, devotee of Polish nationalism, as Garibaldi of Risorgimento Italy, remarkably combines the two rôles of military savior and advanced radical. But he is no constitutional lawyer or parliamentary politician. His love for unified Poland and his view of the unity and steadiness which her safety requires is greater than his appreciation of political liberties or of the habits and institutions of self-government; therein he seems to be a true representative of the land whose sufferings he has so keenly felt.

Pilsudski's rule does not involve the suppression of Parliament, which has not had time to develop powers or prestige that would embarrass him. He rather masters it, becomes minister of war, and eventually premier, and hence gives the appearance of fitting into the constitutional mechanism. Since the bloody events of last May, however, it is clearly understood that there is a First Citizen of the republic, whose will is not to be resisted, who, whether in or out of political office, is master of president and parliament, and will take counsel with himself "to see that Poland take no harm."

One is tempted to a few generalizations regarding the policy usually pursued by these dictatorial governments. For one thing, the power, once seized, has to be maintained by extra-constitu-

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tional measures, a secret political police, and a military force. The latter may be the regular army perverted to dictatorial uses, or an extraordinary pretorian guard created by the dictator and owing him a special obedience. The sinews of such rule may be secured by favors to the wealthy, i.e., financial or administrative privilege, which may be compensation for sufferings under a post-war Red Terror, and sometimes goes so far as to constitute a vengeful White Terror. Sometimes, however, the dictator looks also to the Left and seeks popularity by a demagogic policy suited to the occasion, possibly anti-Semitism, sometimes even Legitimism combined with church orthodoxy. Frequently there is a policy which costs no internal opposition, a raucous, chauvinistic patriotism. National unity is made a fetich; order is secured by rigorous repression of dissenting thought.

The social policy of these régimes is the natural conservative reaction from a period of radical experimentation. On the other hand, in at least the Italian case, there is a distinct syndicalist trend, although under strict state control, if that be not a theoretical absurdity. Let social classes provide themselves with class organization in hierarchical order, syndicates of labor and of capital. Let them confront each other in the presence of the state and make collective contracts that the state can accept as nationally advantageous. If they cannot do so amicably the state will force them to agree; they must not be allowed to destroy each other by strike and lockout, and thus obstruct the nation's productive processes. It is, of course, to dictatorship's credit that in some instances its unifying energy has facilitated the attainment of financial sanity, monetary steadiness, useful public works, increased production, business recovery.

One final consideration, and the most urgent, is the challenge of dictatorship to the inmost idea of parliamentary government, viz., the representative body's right of life and death over the executive, as to large policy, by votes of confidence in ministers, over details of administration by question, and over finance by debate on supply. Here is the portion of England's classic constitution least easy to transplant—brute voting power between parties moderated by a spirit of compromise on non-essentials,

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and an instinct for coöperation on matters essential to the nation's welfare. To reduce this spirit and these habits to constitutional mechanism for export is in part to spoil them, and indeed is impossible. The result is that parliamentary self-government, when operated without the English spirit and habits, degenerates on the Continent to "parliamentarism," a thing of futile incapacity, of doctrinaire intransigence, of corrupt, self-seeking faction. In reaction, the nations swing to the extreme of overemphasis on the power of a free executive.

Students of government recognize that the material for their study, physical, psychological, and social, has changed not a little since the days of Burke, or even of Bagehot and J. S. Mill. Electricity, the press, the radio, make millions active spectators or auditors of, or participants in, events that formerly interested only scores or hundreds. World markets, labor conflicts, dislocated finance, raise new problems of legislation and administration more vast and urgent than those that occupied a Cavour, a Gambetta, or a Gladstone. Yet the solution of these problems is a task lightly assumed by the vote-getters who result from universal suffrage. Ministers who might develop bureaus of experts and information are deprived of the requisite continuity of service. Creatures of unstable coalitions, liable to upset any day on any irrelevant vote, they are tempted to procrastinate everything, however important, that does not bear directly on the preservation of the ministry's life. The Chamber is crowded with ex-ministers who know full well the weakness of the present incumbents of office. Confidence dies. Nagging, and often defaming, interpellations shatter the prestige, not only of the individual to be overthrown, but of the office itself. The ministers become a procession of political phantoms, all alike parliamentarians momentarily in office, rather than officers leading and answerable to the nation. Hence the universal low esteem of "politicians" and a politicians' government.

Critical events produce intolerable pressures, and there comes an explosion. Parliament, having attempted tasks beyond its capacity, is discarded entirely. The Chief Man forcibly gathers all powers into his own hand and becomes the sole spokesman,

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as well as the sole executant, of the nation's will. Needing more advice, he gradually takes less. For the nation's will he tends sooner or later to substitute his own. Like Napoleon, the "son of the revolution," he becomes the "son-in-law of reaction."

We come back to the classic Greek way of thought, which was also the way of James Madison and his colleagues of 1787—moderation, mixture, mutual deference, criticism, coöperation, a division of labors, a parliament that knows its own place and an executive that also knows its proper rôle, combining the equally indispensable counsel and energy. There must be room in a democracy for the leader, the great man, when he appears, and so long as he leads by persuasion. By the same token, there must be no room for the dominator who relies upon force and upon the acquiescence of the politically supine. Self-government cannot be granted to a people; it does not appear spontaneously as the dawn, nor in a flash of revolutionary lightning. It is the disciplined capacity of a people, laboriously earned in the experience of individual men governing themselves—men who voluntarily obey their own law, subjecting self-will to the public conscience. Such men give to each his due, to coöperating ministers and parliamentarians the credit they have earned, to the tyrant living by force the sword by which he shall perish.

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THE ANTIPARLIAMENTARY MOVEMENT IN FRANCE

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The Interparliamentary Union, an organization composed of delegates from some thirty legislatures scattered at large in the world, voted at its twenty-third conference, which was held at Washington and Ottawa during October, 1925,[1] a striking resolution. A plenary session of the conference, having before it a carefully prepared report[2] of a distinguished Swiss national councillor,[3] debated this report and the resolution which it proposed; and at the end of the discussion, the conference unanimously[4] adopted the resolution.[5] The subject of the resolution was "the parliamentary system, the present crisis in that system, and its remedies"; and the resolution itself spoke of "the crisis through which the parliamentary system is now passing in almost every country, the criticism, and even the attacks, to which it is subjected from the most diverse quarters."

It is the purpose of the present study to examine this antiparliamentary movement in so far as it manifests itself in France. For singling out this particular country for treatment, reasons are sufficiently obvious. England doubtless continues to deserve to be regarded as the mother of parliaments; but on the continent of Europe, France possesses the prototype of parliamentary government. It is not necessary to minimize the part played by other countries in Europe, in order to recognize that in the realm of political science France exercises the greatest influence.

[1] Full proceedings are to be found in *Union interparlementaire: Compte rendu de la XXIII^e conférence tenue à Washington du 1^er au 7 octobre et à Ottawa le 13 octobre 1925* (Lausanne, Genève, Neuchatel, Vevey, Montreux, Berne, 1926).

[2] See *Union interparlementaire: XXIII^e conférence* etc. *Documents préliminaires* (Genève, 1925), t. II. *Rapports*, pp. 171–180. See also *Compte rendu*, pp. 285–294.

[3] M. Horace Micheli.

[4] See *Compte rendu*, p. 684.

[5] For the text see *Documents préliminaires*, t. I. *Orde du jour, projets de résolutions*, No. 9, p. 28; p. 50; t, II. pp. 178–179; *Compte rendu*, pp. 40–41, pp. 61–62, pp. 292–293.

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There can be little if any doubt that the parliamentary system is today in discredit in France.[6] The attitude of people toward Parliament and the parliamentary system may take the form of violent antipathy, supercilious disdain, or regretfully admitted criticism; but enthusiasm, or even mild popularity, seems not to exist. This is a fact which is recognized by practically all.[7] Many rightfully warn against exaggeration in drawing conclusions,[8] but the existence of the various degrees of unfavorable judgment is scarcely denied. In almost all quarters there is

[6] Various authorities will from time to time be cited. It is fitting at the outset, however, to make some short personal acknowledgments. M. André Siegfried, professor at the École des Sciences Politiques in Paris, in addition to sending a personal copy of his book, *Tableau politique de la France de l'ouest sous la III^e République* (Paris, 1913), very kindly wrote out in a letter views on the parliamentary crisis which he had advanced to the writer in conversation at Geneva during the summer of 1926. These views will be cited only with the name of the distinguished author. M. Joseph-Barthélemy was also good enough to write about the parliamentary crisis and, among other things, to point out a series of articles in the *Prager Presse* of January 1, 1926. M. Gaston Jèze, professor in the *Faculté de droit* at Paris, took the trouble to collect and to send several articles from the *Progrès civique*, including a most valuable one by himself on *La crise du parlementarisme et les finances publiques*.

[7] In his report M. Micheli suggests that the most important critic of the parliamentary system is M. Charles Benoist. The latter has contributed to the *Revue des deux mondes* (7^e période, t. 26, mars-avril 1925, pp. 761–774) an extremely interesting article entitled *La Parlementarité*. The author says that he comes back to the subject of the ills of the parliamentary system after five years of silent meditation. A few sentences may be quoted. "Si l'on admet que l'état normal ou de santé est *le régime représentatif* modéré, intermittent, limité, *le régime parlementaire* permanent, continue, prépotent marque déjà de la température; *le parlementarisme*, exagération du régime parlementaire, est la fièvre; et *la parlementarité*, état aigu du parlementarisme exaspéré, est le délire. Lorsque, dans un pays, les choses en sont venues à ce quatrième degré, il y a crise ouverte . . . ." (p. 761); and again " . . . . à présent, il serait difficile de nier que le mal règne effroyablement au Palais-Bourbon" (p. 763). An especially interesting criticism is André Chéradame, *La crise française* (Paris, 1925), pp. 189–195. Cf. also Esmein, *Eléments de droit constitutionnel* (7^e éd., Paris 1921), t. I, pp. 258 et s.; Duguit, *Traité de droit constitutionnel* (2^e éd., Paris, 1921–1926), t. II, p. 659, *Manuel de droit constitutionnel* (4^e éd., Paris, 1923), p. 205; Hauriou, *Précis de droit constitutionnel* (Paris, 1923), pp. 387 et s.; Joseph-Barthélemy, *Traité élémentaire de droit constitutionnel* (Paris, 1926), p. 168, pp. 184–185, *et passim;* Foignet, *Manuel de droit constitutionnel* (13^e éd., Paris, 1925), p. 107.

[8] M. Siegfried is particularly emphatic about this. M. Joseph-Barthélemy, in his article *Das parlamentarische Regime muss sich umbilden* in the *Prager Presse* of January 1, 1926 (mit Beilage: Demokratie und Parlamentarismus), utters the same warning.

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encountered, in respect of the parliamentary system, the expression "crisis." Any one who is inclined to deny that the system is passing through a crisis probably takes exception to a manner of expression rather than to the existence of a condition.[9] It may well be, as is strongly to be hoped, that the situation ought not in reality to be considered critical. A conclusion in the matter ought to follow only on an objective examination of the character of antiparliamentary feeling, the causes of its existence, the depth of the sentiment, and the extent to which it is prevalent. On the other hand, to minimize the importance of existing opposition to Parliament and the parliamentary system, or of criticism of them, might well be fraught with serious results.[10]

It is perhaps well at this point to note a contrast which is to be made between the French parliament on the one hand and the individual members on the other. Whereas the tendency is for the former to be held in low esteem, the position of the latter is on the whole strong. Parliament as a body, or as an institution, may be in disfavor, but not so those who severally compose it. The discredit in which Parliament finds itself possibly extends to its members in certain cases and at certain times,[11] so that a few deputies may perhaps be found who confess to a degree of embarrassment at having their position as members of Parliament discovered; but this is certainly the exception and not the rule. In general, the deputy has an important social position.[12] In

[9] Thus M. Léon Blum, in an article entitled *Die Lösung der französischen Krise*, which appeared in the issue of the *Prager Presse* already mentioned, ascribes French troubles wholly to the war. The Socialist leader clearly appears interested principally in defending his party. He agrees that the present situation in France is the worst since the Revolution. However, he can scarcely admit adverse criticism of a parliament faced by this situation; for a large part of such criticism would accrue to the Socialists. Cf. also Joseph-Barthélemy, *loc. cit.*

[10] Cf. M. Joseph-Barthélemy, *loc. cit.* M. René Hubert, *Le Principe d'autorité dans l'organisation démocratique*, warns (p. 4): "Mais un jour peut venir, qui est peut-être proche, où le torrent grossissant entrainera dans son tourbillon toutes nos habitudes et tous nos préjugés." So likewise M. Chéradame, *op. cit.*, p. 677.

[11] See *Union interparlementaire: Documents préliminaires*, t. II, p. 171. Cf. Charles Benoist, *op. cit.*, t. 26, p. 762; Chéradame, *op. cit.*, pp. 11–13, pp. 229 et s.

[12] See the opinion of M. Joseph-Barthélemy, *loc. cit.*

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those cases in which he is not loved, he is usually respected[13] or, at the least, feared.[14]

A search for the causes of the discredit in which the parliamentary system in France finds itself will reveal that they are of two kinds.[15] Some are general, others are particular. Otherwise expressed, some are of a political nature, while others may be called technical or institutional.

It may be laid down as a general principle that in the stress of certain circumstances, strong and direct action is natural and desirable. This principle is applicable when conditions are such as to demand decision rather than deliberation. More concretely, this means in the realm of government that at times the executive is a more effective organ than the legislature; for it is a commonplace that execution and decision belong properly together, and that legislation and deliberation are natural concomitants. Accordingly, in times of stress the executive tends to appear more attractive, the legislature less so; which is only to say that critical events are likely to be attended by a certain wave of antiparliamentary feeling. This may be clearly illustrated in recent French history. The tendency was definitely manifested at the time of the activities of Boulanger;[16] it was to be seen again on the occasion of the Dreyfus affair;[17] it resulted in the election of the national *bloc* in 1919;[18] and it was distinctly to be felt during the misfortunes of the franc in the summer of 1926.[19]

[13] M. Siegfried has this to say: "L'influence du député, ... est énorme, et si l'on ne peut dire qu'il soit populaire, on peut dire que la démocratie tient à lui. La bourgeoisie se passerait avec joie des députés, mais pas le peuple."

[14] Cf. Charles Benoist, *op. cit.*, t. 26, p. 765.

[15] Cf. *Union interparlementaire, loc. cit.*

[16] See Ch. Seignobos, *Histoire politique de l'Europe contemporaine* (7e éd., Paris, 1924), t. I, p. 246; and E. Lavisse, *Histoire de France contemporaine, t. VIIIe, l'Évolution de la IIIe République*, par Ch. Seignobos (Paris, 1921), p. 133. Cf. also Siegfried, *Tableau politique de la France*, pp. 486–491.

[17] Ch. Seignobos, *op. cit.*, pp. 257–258; and E. Lavisse, *op. cit.*, pp. 197–198. Cf. also Siegfried, *op. cit.*, p. 492; Carrère et Bourgin, *Manuel des partis politiques en France* (Paris, 1924), p. 41; Chéradame, *op. cit.*, pp. 204–208.

[18] See the analysis in Yves-Guyot, *Politique parlementaire, politique atavique* (Paris, 1924), pp. 327, et s. Cf. also Carrère et Bourgin, *op. cit.*, pp. 53–57.

[19] See the daily press of Paris for July and August, 1926. Of particular interest is a series of four articles in the *Journal de Genève*, des 18, 20, 23, et 26 août 1926. These

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The manifestations of antiparliamentarism which have just been mentioned were sporadic and occasional. The sentiment manifested in these instances is also to be found existing as a chronic state. In general, all opinion which for any reason consistently favors direct action will tend to remain antagonistic to the parliamentary system.[20] Thus, in France, there exists on the extreme right and on the extreme left definite opposition to the present régime[21] and definite desire to see it destroyed. It is from these directions that the most violent attacks on the parliamentary system are launched. No greater mistake could be made than to exaggerate the extent of such opposition. Nevertheless, though it is not considerable, it is vigorously articulate. It furthermore tends, through organization, to become disproportionately powerful.[22] It may be well to associate such antiparliamentary sentiment more specifically with existing political parties or groups.

On the right, the Bonapartists deserve brief mention.[23] Their claim to attention is due not to their number, for it is very small, nor to their support of a descendant of the Bonapartes, but rather to the persistence of the Bonapartist tradition.[24] The spirit of this tradition has already been mentioned as manifesting

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articles of the Paris correspondent, signed P. B., are called *Deux années d'histoire politique française*. In the result, says M. Jèze, Parliament in August, 1926, abdicated in favor of the executive. See the extremely interesting article in *Le Progrès civique* already mentioned (1926, No. 372).

[20] In his report M. Micheli says of those favoring direct action, and of the parliamentary system: "Ils le représentent comme une machine lourde, lente, impuissante par sa lenteur même, embourbée dans les formalités du règlement et dans les scrupules de la légalité."

[21] This is expressed simply by M. Siegfried, who says: ". . . . ni à droite, ni à l'extrême gauche, on n'aime d'amour le régime parlementaire." Cf. also the report of M. Micheli.

[22] French parties, as distinguished from groups, are not conspicuous in the center of the Chamber.

[23] For this "mince phalange," see Carrère et Bourgin, *op. cit.*, p. 31 et n. So also M. Siegfried: "Les bonapartistes sont peu puissants comme tels, mais l'esprit bonapartiste est vivant en France et inspire bien des manières de voir et de faire." Chs. XLIV and XLV of M. Siegfried's *Tableau politique de la France* are of extreme interest and importance.

[24] See Siegfried, *op. cit.*, p. 473.

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itself in certain national emergencies. It opposes to the weakness of assemblies the strength of men of vigor and action.[25]

At the present time the Bonapartists apparently tend to ally themselves with the *Action Française*.[26] The latter is a party in the true sense of the word. "It forms a solidly organized party; it possesses a political and social doctrine formulated clearly by men whose intellectual worth is incontestable and who know what they want."[27] It is assisted by organizations in the country[28] and by agencies of study and propaganda.[29] It is in part frankly monarchist, as exemplified in the attitude of M. Charles Maur-

[25] Cf. Siegfried, *op. cit.*, p. 475. As the alternative title *Plébiscitaires* suggests, the responsibility of these men, in so far as it would exist, would be to the mass of the people. It is important in this respect to distinguish with M. Siegfried (*op. cit.*, p. 478) the democratic and the reactionary aspects of bonapartism.

[26] For this party, see Carrère et Bourgin, *op. cit.*, pp. 32–52. With respect to the relationship with the bonapartist spirit, M. Siegfried writes: "Au fond, les royalistes de l'Action française me paraissent assez proches de la tradition bonapartiste, par leur sentimentalité, par leurs procédés." That is to say, the royalists make the adhesion of the bonapartists possible by having themselves approximated to the bonapartist tradition. Thus M. Siegfried says (*op. cit.*, p. 450): "Un régime royaliste sous la noblesse et appuyé directement sur le peuple par voie de plébiscite deviendrait bien semblable à un régime impérial. C'est ce que, dans leur désir de concilier le trône et le peuple, les agitateurs de l'Action française semblent ignorer; ils se croient traditionallistes, ils sont césariens!"

[27] Carrère et Bourgin, *op. cit.*, p. 32.

[28] *Ibid.*, pp. 47–48. In the first place, there is the *Ligue d'Action française*, founded in 1905 and composed of all the militant members of the party. The younger of these form the *Fédération nationale des Camelots du Roi et commissaires*, founded in 1908. Its members "se chargent d'organiser les manifestations publiques, d'assurer l'ordre dans les réunions par des moyens énergiques, et de pratiquer la, propagande par le fait' et les 'violences nécessaires'." In addition, there is the *Alliance d'Action française*, the members of which, although they profess the same general ideas and theories as the party, cannot sign its declaration, since they do not believe it opportune or possible to restore the monarchy. Thus, even communists may be members.

[29] *Ibid.*, pp. 48–49. First mention should be made of the daily newspaper, the *Action française*, and of the *Action française du dimanche*. A magazine, the *Revue universelle*, although not official, is directed by an eminent theorist of the party, M. Jacques Bainville, and the majority of the contributors are members. The *Nouvelle librairie nationale* publishes the works of distinguished writers of the party, as does the *Almanach royaliste*. Lastly may be mentioned the *Institut d'Action française* and a *Groupe des anciens étudiants d'Action française*, the former organizing courses of instruction and lectures.

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ras;[30] it is in part, perhaps in greater part, what has come to be called fascist, a position which is represented in the press and in Parliament by M. Léon Daudet.[31] It is definitely antiparliamentary,[32] employing the word in its programs and in its public utterances. Although in a definite sense revolutionary, it has since the war renounced its indifference in elections and in Parliament.[33] Its representation in the Chamber of Deputies does not measure its political influence;[34] and yet constant care must be exercised not to overestimate this influence.

At the opposite extreme are the socialists and communists.[35] The entrance of a small number of communists into the Chamber of Deputies[36] and the return of the socialists[37] to a clearly revolutionary and uncompromising attitude are two of the striking facts of French politics since the war.[38] An attempt to trace the

[30] A few words uttered by M. Maurras at the congress of the *Action française* in June, 1923, are of interest. They are quoted by Carrère et Bourgin (*op. cit.*, p. 51) from the *A. F.*, 21 juin 1923. "Nous ne sommes pas caractérisés par une attitude, mais par la volonté de renverser la République et de faire la monarchie . . . . Vous savez bien que nous ne voulons pas mettre à la République le bonnet fleurdelysé. Nous voulons lui couper le cou."

[31] Cf. Carrère et Bourgin, *op. cit.*, p. 32. Concerning the members of the *Action française*, M. Siegfried says: "Ce qu'il y a de vivant en eux, c'est moins Maurras que Daudet, c'est-à-dire une sorte d'esprit fasciste d'action directe."

[32] In a manifesto of 1899, written in agreement with other royalists, M. Maurras formulated this political program: "l'institution d'une monarchie traditionnelle, héréditaire, antiparlementaire et décentralisée. . . . ." Cf. Carrère et Bourgin, *op. cit.*, p. 37.

[33] *Ibid.*, p. 50.

[34] Those inscribing themselves in the *Groupe des Indépendants* in the Chamber number approximately thirty, i. e., about five per cent of the total membership. The *Groupe de la Droite* in the Senate has ten members. Their influence is greatest with the so-called young intellectuals (Cf. report of M. Micheli), with the bourgeoisie, and in certain parts of Paris. Cf. Joseph-Barthélemy, *loc. cit.* M. Siegfried speaks of "quelques milieux agités de Paris;" but with respect to the country in general, and to the west in particular, he offers (*op. cit.*, p. 451) extremely pertinent comment. The whole third book of the work cited is of great interest.

[35] The bibliography is, of course, enormous. For a short account of the parties of the Extreme Left see Carrère et Bourgin, *op. cit.*, pp. 154–188. In English, the reader may consult the appropriate chapters in Pipkin, *The Idea of Social Justice* (N. Y., 1927).

[36] At present, their number is in the neighborhood of thirty.

[37] Since the last elections, the Socialist party numbers about one hundred.

[38] Cf. Carrère et Bourgin, *op. cit.*, p. 18.

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evolution of socialism in all its ramifications would be distinctly outside the sphere of this study. It need only be said that communists and socialists, though hostile, are alike in being antiparliamentary.[39] They are, like the Right, advocates of direct action; but here, of course, the resemblance ceases. If the Extreme Left should succeed to power, strong government would be realized through the action of small groups familiar to students of the Revolution. They possess the characteristics of soviets and are known in France as *comités*.[40]

Between the two extremes are found various sorts of moderates.[41] They are scarcely enthusiastic about the parliamentary régime, but they consider it a necessity. They know that it is not a traditional national system, and that it is not perfect. At the same time, they consider that it ought not to be compared with the English system, from which it greatly differs.[42] They feel a

[39] Cf. *ibid.*, p. 160 *et passim.*

[40] This subject could by itself be developed into a study of considerable proportions. The following words of M. Siegfried are of especial interest: "Je crois qu'on ne peut comprendre la politique française si l'on ne se rend compte de ce qu'est le comité, un petit groupe de gens passionés, actifs, souvent doctrinaires, qui prétendent gouverner au nom de leurs principes sans trop se préoccuper de représenter la majorité." He sees "au fond pénétré de l'esprit des comités" the Communist party, the Socialist party, and the Radical Socialist party. Quite possibly the influence of the spirit reaches even farther away from the Left. The organization of the chambers into the "grandes commissions permanentes" is not far removed from a system imbued with the "esprit des comités." The word *comité* may be avoided in Parliament in order to mollify those who appear horrified by the excesses of the Revolution; but a reference to the great authority of Eugène Pierre, *Traité de droit politique, électoral et parlementaire* (6e éd., Paris, 1924), No. 737, will show that the definition of a *comité* exactly fits a *grande commission*. In this connection, see also Esmein, *op. cit.*, t. I, p. 260. Mention of the importance of this question is made in the writer's article "Eugène Pierre," *Political Science Quarterly*, Vol. XLI, No. 3 (Sept., 1926), pp. 447–449. Admirers of the Convention may, of course, say that what is needed is one directing *comité*, the Committee on Public Safety. To this M. Joseph-Barthélemy (*loc. cit.*) replies that a definition of this committee is not different from a definition of the cabinet under the English system of parliamentary government. This does not appear accurate enough to be altogether convincing. Advocates of the "régime conventionnel" do not propose a cabinet on the English model, and they would scarcely be satisfied with it.

[41] In his article already several times cited, M. Joseph-Barthélemy gives an interesting sketch of the position of the moderates.

[42] M. Redslob, in his *Régime parlementaire* (Paris, 1924), speaks of the French system as "le régime parlementaire dans sa forme inauthentique," calling the English system "sa forme véritable."

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close connection between it and republican democracy; and they consider it to have become adapted to French customs, French needs, and French life.[43] They prefer it, with all its imperfections, to any suggested alternative.[44] Furthermore, such moderates are greatly in the majority.

What has been said about the general or political aspect of antiparliamentarism in France at the present time suggests turning an eye toward the future; and such a shift in view-point inevitably raises the question of possible solutions. The present situation, it has been suggested, is such as to make certain one of three results: dictatorship, revolution, and reform.[45]

It would doubtless be going too far to say that a dictatorship in France is impossible. At the same time, such an eventuality is so improbable as practically to be out of the question.[46] France has had experience of dictatorship and wants none of it. What has happened in Spain and Italy is indicative of little.[47] The French are not only certain that conditions in their country are not the same as those of their neighbors (and in this they are supported by the plain fact of an absence of dictatorship), but they are also certain that such conditions will not come to exist.[48]

[43] This is in essence the view of M. Siegfried.

[44] M. Siegfried may be quoted once more. He says: ". . . . la masse du pays, tout en se plaignant, ne préférera pas sincèrement un autre régime. Elle a trouvé, dans ce régime, une forme de gouvernment adapté maintenant à ses désirs, qu'elle ne souhaite pas changer." M. Joseph-Barthélemy (*loc. cit.*) associates himself with this sentiment. "Zweifellos-und ich bin der erste, es zu sagen—ist der französische Parlamentarismus weit von der Vollkommenheit entfernt. Wenn meine Zuneigung für ihn ins Wanken gerät, sobald ich ihn an sich betrachte, festigt sie sich, sobald ich ihn vergleiche."

[45] Cf. Ch. Benoist, *op. cit.*, t. 26, p. 761. He several times repeats the inevitability of one of this trinity.

[46] This is the deliberate opinion of many. E.g., M. Siegfried says: "La France n'est ni communiste, ni royaliste, ni en faveur d'un régime autoritaire . . . . Je ne vois pas, en France, de mouvement ou surtout d'organisation fasciste digne de retenir l'attention." M. Joseph-Barthlémy (*loc. cit.*) speaks with no uncertainty. Cf. also Chéradame, *op. cit.*, pp. 618–619. Opinions on both sides have been recurring with considerable frequency in recent years in the American periodical press.

[47] See Yves-Guyot, *op. cit.*, pp. 392–393. Cf. also in this respect, M. Joseph-Barthélemy (*loc. cit.*).

[48] Joseph-Barthélemy (*loc cit*). "Ich möchte an dieser Stelle von einer Würdigung des faszistischen Regimes Mussolinis absehen. Festzuhalten wäre bloss, dass Italien in einen Abgrund von Anarchie gestürzt war, den Frankreich nicht kennen gelernt hat und nicht kennen werden wird . . . . ."

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A dictatorship would be still-born.[49] It is easy for a superficial observer, especially a foreigner, to speak of the Latin temperament. Even a serious French student may associate antiparliamentary feeling in France with the experiences of Spain and Italy as a Latin manifestation against an English system.[50] Such views may contain an element of truth, but such a modicum of truth is far from rendering a French dictatorship inevitable. At bottom, conditions are not favorable;[51] and the important consideration is the related fact that the mass of the people do not want it.[52] Finally, no suitable candidate is as yet visible.[53]

A revolution in France appears still less likely,[54] even if it be granted that the socialists present a greater danger to the parliamentary system than do its reactionary opponents.[55] That there have been revolutions in France is no argument in favor of another. It is, on the whole, an argument against such a turn of events. The French may admire and respect and revere their Napoleons and their revolutions, but in neither case do they desire any more.[56]

[49] Cf. *Ibid.*

[50] Cf. M. Ch. Benoist (*op. cit.*, t. 26, pp. 767–768): "Il s'y découvre, si ce n'est proprement une intention commune, une tendance qui peut se définir en gros: la revanche du 'génie' latin contre le parlementarisme anglo-saxon." M. Benoist does not anticipate a dictatorship in France. Nevertheless, he was surprised, he says (*op cit.*, t. 27, p. 558), to find in the program of Mussolini, after three years of power, suggestions identical with his own. He had reached the conclusions by pure theory; and between theory and practice there was Mussolini.

[51] Cf. Joseph-Barthélemy, *loc. cit.*

[52] Cf. *Ibid.*

[53] M. Ch. Benoist perceives none. M. Joseph-Barthélemy (*loc. cit.*) sees no lack of them, but finds them a nondescript lot. "Sie haben nicht einmal das Prestige, neue Männer zu sein: sie haben eine Vergangenheit Napoleons zu Ende des Direktoriums. Es sind Journalisten der zweite Garnitur, Schriftsteller, die nicht von erster Grösse sind, Politiker, denen es nicht gelungen ist, die Schwelle des Parlaments zu überschreiten."

[54] M. Ch. Benoist advises (*op. cit.*, t. 26, p. 774) that "l'on ne doit pas oublier que les révolutions ne se font pas par les hommes d'ordre."

[55] This is the opinion of M. Joseph-Barthélemy (*loc. cit.*): "Wenn es für sie eine wirkliche Gefahr gibt, so ist es die Gefahr der sozialistischen oder kommunistischen Diktatur. Ich bin übrigens überzeugt, dass sie nicht länger als einem Tag dauern würde. Aber ich würde Wert darauf legen, meinem kriegswunden Lande die Gefahr einer Konvulsion zu ersparen."

[56] Cf. *Ibid.*

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Reform as a solution involves a consideration of what have been called technical or institutional causes of antiparliamentarism, as distinguished from the general or political causes considered up to this point. The former variety of causes may be said to consist of certain alleged defects in the working of the French parliamentary system. These are, for the most part, admitted by moderates, from whom come suggestions for reform.[57] At the same time, the position of these men is that unfortunate one in which critical moderates so often find themselves. Adverse criticism of a thing, even though the object be reform, plays into the hands of those who oppose the thing in part and in whole. Advocacy of the necessity of the thing tends to involve advocacy of the thing in its entirety. So with respect to the French parliamentary system, it is not unnatural to reply to criticism of the system that suggested alternatives would be worse, and that, given the conditions, it is the best possible system.[58] At the same

[57] Mention may be made of a warning sounded by Carrère et Bourgin, *op. cit.*, p. 32 n: "Il va sans dire que le révisionnisme plébiscitaire apparenté au révisionnisme bonapartiste ou boulangiste, n'a rien de commun avec le révisionnisme de quelques parlementaires, comme M. J.-L. Bonnet, qui veulent simplement améliorer, sur divers points, les lois constitutionnelles de 1875 (*Matin*, 29 janvier 1924); il s'est ainsi constitué un groupe révisionniste à la Chambre (*Journal des Débats*, 28 février 1924)." A document of great interest is "Docs. Ch., No. 1334, annexe au procès-verbal de la 2e séance du 27 février 1925: *Proposition de résolution ayant pour objet la révision de la Constitution*, présentée par M. J.-L. Bonnet." The resolution is the simple one that "la Chambre décide qu'il y a lieu de reviser les lois constitutionnelles ." The *exposé des motifs* consists of 106 pages. Cf. also Guyho, *Parlementarisme et république* (Paris, 1924), pp. 30 et s; Chéradame, *op. cit.*, pp. 619 et s; and, in opposite sense, Yves-Guyot, *op. cit.*, pp. 13–19.

[58] The personal estimates of M. Esmein and M. Duguit are of especial interest. The former says this of the system (*op. cit.*, t. I, p. 270): 'Nous continuons cependant à avoir en lui la foi la plus profonde. Non seulement c'est la forme la plus souple et la plus perfectionnée du gouvernement représentatif, mais c'est aussi la seule sous laquelle la France ait vraiment connu la liberté réglée." Says M. Duguit, *Traité*, t. II, p. 663 (cf. also *Manuel*, p. 207): "Après mûre réflexion, malgré les déclarations assurément troublantes des deux hommes éminents qui ont occupé la magistrature suprême [Casimir-Perier et Paul Deschanel], je persiste à penser que notre système politique est encore le meilleur que puisse pratiquer un état républicain et que la manière dont il s'est comporté pendant la période la plus tragique de notre histoire en est une éclatante démonstration. Qu'il soit sans défaut, personne ne le prétend. Qu'il soit le système qui en a le moins, c'est ce que je ne puis me tenir de croire."

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time, there are those who, while partisans of the system as such, point out its defects and propose remedies for them.

The principal defect of the French parliamentary régime, if indeed it does not include all the shortcomings of the system, is the preponderating position of the legislature. It is a commonplace that the ideal of the parliamentary system is a nice balance between legislature and executive. It is well known that in France this ideal is, normally, far from realized. Parliament has secured a position of distinct superiority, and the executive has to a corresponding degree become dependent and subordinate.[59] Numerous phenomena, not to be regarded as altogether desirable, are in part the causes and in part the results of what is frequently referred to as the omnipotence of Parliament.[60] Thus, amongst other things, there exists unlimited individual initiative of measures; there is no effective closure; and grand committees play an inordinate part in the legislative process.[61] An imperfect machinery for dissolution has fallen into disuse. Parliament and its members do not hesitate to concern themselves with any or all of the details of administration. The chambers are almost constantly in session, and there are often more than daily sittings.[62] Much time is undoubtedly wasted; and in the opinion of some, the ceaseless activity of the members is strongly to be

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Very able support of the parliamentary system is to be found in Moreau, *Pour le régime parlementaire* (Paris, 1903).

[59] Cf. Duguit, *op. cit.*, t. II, p. 658 (see also *Manuel*, p. 203). Reference has already been made to M. Redslob and his characterization of the French system as "le régime parlementaire dans sa forme inauthentique." For his expression of the ideal see *op. cit.*, p. 1. Cf. also Hauriou, *Précis*, p. 413, p. 422; Joseph-Barthélemy, *Traité*, p. 163; Moreau, *op. cit.*, p. 163.

[60] E.g., M. Benoist (*op. cit.*, t. 26, pp. 764–765) says of the members of the Chamber: "Leur domaine est universel, leur domination accablante." Says M. Henry Leyret, *Le gouvernement et le parlement* (Paris, 1919), p. viii: "Intérêts généraux et libertés publiques, tout va à la dérive sous le despotisme d'un parlement aussi omnipotent que désordonné." Cf. also the report of M. Micheli; Guyho, *op. cit.*, pp. 23–29; Dupriez, *Les ministres dans les principaux pays d'Europe et d'Amérique* (Paris, 1893), t. II, p. 397.

[61] Mention of these matters, with full references, may be found in the writer's article on *Eugène Pierre*, already cited.

[62] Cf. the report of M. Micheli.

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contrasted with their ignorance and incompetence.[63] Discipline is conspicuous principally by its absence.[64]

As a result, the ministry has been reduced to a position far from ideal. Lack of discipline causes small groups rather than large parties to be the rule. Ministries must depend for support on various combinations of these groups rather than on a compact majority. With the task of remaining in office so pressing and primary a necessity,[65] especially in view of the abuse of interpellation,[66] it is a practical impossibility to formulate and to carry out a broad policy. In consequence, constructive leadership is almost unknown and real responsibility for the most part nonexistent.[67]

This is a very brief, and it is to be hoped not an unfair, appraisal of the working of the French parliamentary system. It must not be forgotten, however, that the system does work, and that a great majority of the people consider it superior to any possible alternative. Criticism and suggestions for amelioration ought always to be viewed in the light of these facts.

One will encounter in France suggestions for nearly every sort of institutional reform alleged to make for equilibrium between executive and legislature. In this respect it is important to distinguish between parliamentary government as such and representative government which is not of the responsible cabinet

[63] Cf. the same report. M. Ch. Benoist (*op. cit.*, t. 26, pp. 763–764) is especially severe. He holds that those who "make the law" know nothing about what they are doing, and that four-fifths do not even suspect that they are thus ignorant. The whole question of competency under democratic conditions is of great interest. It is raised by M. Émile Faguet in *The Cult of Incompetence* (trans. London, 1911). Of especial interest is Joseph-Barthélemy, *Le problème de la compétence dans la démocratie* (Paris, 1918). Cf. also *Chéradame, op. cit.*, pp. 216–225.

[64] See Carrère et Bourgin, *op. cit.*, pp. 20–22. Cf. also Moreau, *op. cit.*, pp. 280–281; Redslob, *op. cit.*, p. 200, pp. 207–208.

[65] Cf. e.g., Joseph-Barthélemy, *Le rôle du pouvoir exécutif dans les républiques modernes* (Paris, 1906), p. 682: " . . . . la première préoccupation du cabinet n'est pas la réalisation d'un programme mais la conservation des portefeuilles." Cf. also Guyho, *op. cit.*, p. 16.

[66] Cf. Ch. Benoist, *op. cit.*, t. 26, p. 765.

[67] Cf. Guyho, *op. cit.*, p. 17: " . . . . la responsabilité émiettée des ministres parlementaires passe à l'état de mythe constitutionnel." M. Joseph-Barthélemy in his article in the *Prager Presse* says: "Der Parlamentarismus der Gegenwart

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type.[68] The latter, as exemplified in the United States, may be called an artificial solution of the problem of executive strength and stability. Although recognized to contain serious defects, this solution is effective. Parliamentary government, on the other hand, is a more natural and flexible arrangement, with distinct possibility, however, that the nice balance which is the ideal of the system may in practice be thrown out of equilibrium through the gaining of a preponderating position by either the executive or the legislature. It is the stultification of the system in the latter direction that chiefly causes criticism of its working in France.

Accordingly, the rehabilitation of the executive is the general object of reform.[69] There are not lacking those who would advocate for France an independent executive as found in the United States and Switzerland.[70] The necessary reforms would naturally involve real and not theoretical power for the president of the republic,[71] ministers chosen from outside Parliament and not responsible to it, and arrangements of a related character. On the whole, there seems little likelihood that reform will take such a direction. The majority of thinking Frenchmen see nothing incompatible between parliamentary government and the French genius. It is true that the introduction of parliamentary government into France was not attended with enthusiasm;[72] it is furthermore true that there has never been in France the reverence for the system which has existed in England.[73] But there has

leidet an einer Krise der Regierungsautorität, einer Krise des Leadership." Cf. also Hubert, *op. cit.*, pp. 137–138.

[68] Esmein, *op. cit.*, t. I, pp. 470 et s; Duguit, *Traité*, t. II, p. 663; Hauriou, *Précis*, pp. 412–413. Cf. Yves-Guyot, pp. 20–50.

[69] However, as M. Ch. Benoist says (*op. cit.*, t. 26, p. 773): "Le malheur est que la réforme ne pourrait venir que de la Chambre elle-même, et que c'est justement la Chambre qu'il est urgent de réformer.

[70] See Chéradame, *op. cit.*, pp. 641–644. Cf. Duguit, *Traité*, t. II, pp. 664–667.

[71] This is a much discussed possibility. Cf. Duguit, *Traité*, t. II, pp. 660–662; Hauriou, *Précis*, p. 432.

[72] An interesting work is Joseph-Barthélemy, *L'Introduction du régime parlementaire en France sous Louis XVIII et Charles X* (Paris, 1904). Cf. also his *Traité*, pp. 173 et s.

[73] At the same time, M. Joseph-Barthélemy says (*Traité*, p. 183): "Certains libéraux du XIX^{e} siècle ont eu une foi ardente dans le gouvernement représentatif, et plus spécialement dans sa forme la plus pure, le parlementarisme." Cf. also his article in the *Prager Presse*.

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gradually grown up in France during the Third Republic a feeling that what there is of value in democracy is to be associated with parliamentary government, and that the system has proved itself adaptable to French customs and life and to the French genius.[74] Suggested reforms, therefore, assume the continued existence of parliamentary government.

Special mention ought to be made of the question of suffrage. It would seem that the famous dictum[75] of Montesquieu remains highly influential in his native country; for electoral reform continues one of the few great issues of practical French politics.[76] This is not the place to trace the history of oscillations between single-member districts and the general ticket system,[77] nor to enter the controversy concerning proportional representation.[78] It may merely be noted that the situation with respect to the organization of universal suffrage is far from satisfactory.[79] One point, however, seems entirely clear. Though certain ills of the French parliamentary system may seriously be attributed to universal suffrage,[80] the latter must remain the basis of any

[74] Cf. note 44 *supra*.

[75] "De la manière dont est réglé le suffrage dépend la perte au le salut des États." (*Esprit des lois.*)

[76] Cf. Carrère et Bourgin, *op. cit.*, p. 14.

[77] Cf. Esmein, *op. cit.*, t. II, pp. 298–299; Duguit, *Traité*, t. II, pp. 564 et s; Hauriou, *Précis*,p. 535 n; Joseph-Barthélemy, *Traité*, p. 338.

[78] See Ch. Seignobos, *op. cit.*, pp. 273–275; Lavisse, *op. cit.*, pp. 269 et s. Cf. also Esmein, *op. cit.*, t. I, pp. 326 et s, t. II, pp. 300 et s; Duguit, *Traité*, t. II, pp. 571 et s, *Manuel*, pp. 174 et s; Hauriou, *Précis*, pp. 535 et s; Joseph-Barthélemy, *Traité*, pp. 308–334.

[79] Hauriou, *Principes de droit public* (2e éd., Paris, 1916), p. 705: "Nous ne prétendons pas que ces ingérences du pouvoir électif soient regulières, mais elles se régulariseront parceque la logique démocratique le demande. Il ne faut pas nier, il faut organiser."

[80] M. Ch. Benoist (*op. cit.*, t. 26, p. 761, p. 771) considers universal suffrage definitely responsible for existing parliamentary troubles. He treats this specific question in an article already cited, entitled *L'électorite* (*op. cit.*, t. 27). Closely related to such considerations is the fact of the greatly increased sphere of activity of legislatures in general since the Industrial Revolution. Hoped for remedy has been suggested in the form of what is called federal devolution in England and *régionalisme* in France. Consideration of this question would too much enlarge the scope of the present study. While it is doubtless true that one reason for the desire of Parliament to keep the ministry in subjection in France is the extreme centralization prevailing in that country, it must be clear that even if many matters were removed from the sphere

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French governmental system.[81] At the same time, if any proposed organization of the suffrage, such as proportional representation, family voting,[82] representation of interests,[83] and the rest, can be shown to make for amelioration of the parliamentary system, such a plan should be assigned no small weight.

No effort can be made here to consider in detail the various proposed reforms in parliamentary procedure.[84] All of them are

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of the central government the balance between the legislative and executive branches would not necessarily be righted.

[81] Joseph-Barthélemy (*Traité*, p. 292): "Nous avons la conviction profonde que *le suffrage universel individualiste et égal est, à l'heure actuelle, la grande, la seule force conservatrice* (dans le sens le plus élevé de cette expression)." Cf. also his article in the *Prager Presse*.

[82] Cf. Joseph-Barthélemy, *Traité*, pp. 290–292; Foignet, *op. cit.*, p. 46. An account of this subject, with full references, will be found in the writer's *Family Voting in France*, in this REVIEW, Vol. XX, No. 2 (May, 1926), pp. 299 ff.

[83] Esmein, t. I, pp. 312 et s, pp. 391 et s; Duguit, *Traité*, t. II, pp. 596 et s, *Manuel* pp. 183 et s; Hauriou, *Précis*, pp. 616 et s; Joseph-Barthélemy *Traité*, pp. 285–290. Cf. also Hubert, *op. cit.*, pp. 167–173. M. Georges Scelle, in a series of articles in *Le progrès civique* (4, 11 et 18 septembre 1926) entitled *Les déformations du régime parlementaire*, concludes his vigorous views on the incompetence of the deputies and on their shortcomings as a body, with the suggestion that the real cure is to be found in professional representation. These articles provoked an answer from M. Gombault (2 octobre 1926) which gave rise to a reply by M. Scelle (16 octobre 1926), this being followed by a second answer from M. Gombault (30 octobre 1926). These articles, taken together, present various aspects of the arguments for and against professional representation.

[84] The student may consult a long series of interesting and instructive reports made on behalf of successive committees on the *règlement* by various reporters. Special interest attaches to more recent reports, since they are the work of M. Joseph-Barthélemy. These reports almost invariably give evidence of painstaking care. When time has been found for debate upon them, the speeches usually give an interesting insight into the spirit of the working of the parliamentary system. The reports may be unearthed without great difficulty in the volumes of the collected documents of Parliament. An account of the various suggestions for reform may be found in Pierre, *op. cit.* The student may also consult André Breton, *Les commissions et la réforme de la procédure parlementaire* (Paris, 1922). Of special interest, since the anonymous author is known to be M. Léon Blum, is *Lettres sur la réforme gouvernementale* (Paris, 1918). M. Joseph-Barthélemy, in his article in the *Prager Presse*, suggests two somewhat unusual defects, one being the public voting of members of Parliament, and the other the reëligibility of deputies. The author is not willing to advocate specific changes in these respects; but he says that reëligibility of deputies is one cause of the paralysis of Parliament, and that if the deputies could vote secretly, a parliamentary crisis would be over in a few days. The most important part of procedure is, of course, that connected with public finance. Though

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aimed at curing the alleged bad habits and incompetence of the chambers, especially of the Chamber of Deputies. In general, the difficulty results from the fact that procedure not only includes certain defective institutions and practices which allow Parliament to act in an overbearing manner, but has itself been organized by an overbearing Parliament for this very purpose.[85]

A related suggestion is of more than passing interest. It is proposed that the Council of State or some technical body should have a part, which would be not optional but obligatory, in the initial preparation of measures and in the reduction of laws to their final form.[86] Such a suggestion appears distinctly in keeping with the tendency, especially in America, to establish bill-drafting bureaus. The principle involved doubtless deserves serious attention in all countries. So far as the proper instrumentality is concerned, however, France would probably do well to consider carefully before allotting such a function to the Council of State. There is a distinct tendency to enlarge the sphere of every effective institution, in the hope of extending its usefulness. Such an extension may prove the downfall of the best of human agencies.

One reform which, if adopted, would be far-reaching in its effects is the proposal to incorporate into the French constitutional system what is called in America the doctrine of judicial review.[87] This suggestion manifestly is aimed at the irresponsi-

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the present financial crisis in France involves many other and much wider questions than that of parliamentary procedure, the Report of the Experts contains sections definitely connected with procedure. They are principally *Rapport du comité des experts*, décret du 31 mai 1926 (Paris, 1926), pp. 15–20, 82–113. M. Jèze, in his article cited, complaining that at present there is a *"régime des décrets,"* in which a *fait accompli* is put before Parliament, and wishing to avoid *"le fascisme ou la dictature,"* gives his preference to *"le régime de la procédure parlementaire d'extrême urgence*, permettant au Parlement de discuter au moins le principe d'une réforme, *avant* que cette réforme soit appliquée."

[85] The chambers, of course, make their own *règlements*. See Esmein, *op. cit.*, t. II, p. 366; Duguit, *Traité*, t. II, p. 315, *Manuel*, pp. 430–431; Hauriou, *Précis*, pp. 556–557; Joseph-Barthélemy, *Traité*, pp. 481 et s.

[86] J.-L. Bonnet, *op. cit.*, Ch. XI, pp. 48–50; Ch. Benoist, *op. cit.*, t. 27, p. 557 n; Guyho, *op. cit.*, p. 22, pp. 139–144.

[87] An interesting French study of this American institution is E. Lambert, *Le gouvernement des juges aux États-Unis* (Paris, 1921). Cf. also Esmein, *op. cit.*, t. I, pp. 568 et s. Reference may likewise be made to a short account in the writer's

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bility, rather than at the incompetence, of the chambers.[88] It would involve placing limits on the spheres of action of the chambers and instituting a supreme court[89] which would keep the chambers within these limits by being possessed of the power to refuse to apply *ultra vires* measures, that is to say, of the power commonly known as that of declaring laws unconstitutional. It may be doubted, however, whether the transplanting of this device to French soil is desirable; or, this consideration may be waived by doubting whether successful transplanting is possible.[90]

Likewise, there is the question of the possibility, and the desirability, of establishing in France a tradition of effective dissolution of Parliament. This is a proposal of reform which a foreigner would be likely to consider most important of any that can be suggested. Operating against it, he is aware, is the inertia resulting from long desuetude and from the memory of the event responsible for that desuetude. It is possible, however, that the Seize Mai incident is one of those historical events, of which there is no inconsiderable number, the recurrence of which continues to be envisaged as a possibility long after the probability of recurrence has disappeared. As a step toward effective dissolution, the foreign critic looks for the almost certain rehabilitation of the executive. The latter, possessed of the weapon of dissolution, would no longer be at the mercy of the legislature. The prospect of standing for reëlection would undoubtedly deter the average deputy from voting to throw ministries out of office on the slightest provocation. Majorities would tend to become more compact; and, with fickle defection unlikely, discipline would be improved. Responsibility and leadership would have excellent chances of developing into realities. The foreigner is also protected from the retort that his opinion is that of ignorance resulting from lack of intimacy with conditions; for French students of

"Modern French Views on the Doctrine of the Separation of Powers," *Political Science Quarterly*, Vol. XXXIX, No. 1 (March, 1924), pp. 32–34.

[88] Cf. Hauriou, *Principes*, p. 722.

[89] J.-L. Bonnet, *op. cit.*, Ch. VIII, p. 41; Chéradame, *op. cit.*, pp. 645–646.

[90] Cf. in this respect the article of M. Jèze already cited.

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repute may be found who view dissolution with similar favor.[91]

Finally, the question may be raised whether the suggestion of the immediate realization of dictatorship, revolution, or reform is really exclusive. Evolution possibly represents an alternative to any or all of this trinity. In other words, it may well be that nothing definite in the way of change is to be anticipated. The French parliamentary system survived the war;[92] it may reasonably be expected to weather other crises.[93] However, the system did not operate in a normal manner during the war; and it is only through at least a temporary alleviation of its worst ills that it can expect to survive other crises. Such an alleviation is by no means impossible. Its chances are supported by the tremendous reserve strength and vitality of France.[94] The fact that this strength and vitality are in reserve naturally causes misgiving. Accordingly, antiparliamentarism in France, which is usually referred to as a crisis of the parliamentary régime, may well be called a crisis of faith.[95] Faith may be increased fundamentally only by social education.[96] Without such education, institutional

[91] Esmein, *op. cit.*, t. II, p. 167, p. 172; Duguit, *Traité*, t. II, pp. 644–645, *Manuel*, pp. 200–202; Hauriou, *Précis*, pp. 506–507, *Principes*, pp. 723–724; Foignet, *op. cit.*, pp. 137–140. However, Parliament, being in the ascendancy, is not likely soon to consent to a diminution of its power. Nevertheless, as M. Hauriou (*Principes, loc. cit*) says of this reform, with which he includes one or two others: " . . . . c'est un programme pratique à faire pénétrer dans les esprits. Si ce programme devenait dominant dans la région des idées, il finirait bien par descendre dans celle des faits."

[92] This important fact, so often alluded to (e.g., Duguit, *Traité*, t. II, p. 659), is not admitted by M. Ch. Benoist. He agrees grudgingly (*op. cit.*, t. 26, pp. 772–773) only that the war was not lost under the parliamentary system. Cf. also Guyho, *op. cit.*, p. 4.

[93] Cf. Joseph-Barthélemy, *Prager Presse.*

[94] Cf. Chéradame, *op. cit.*, pp. 661 et s: "les ressources infinies dont dispose notre pays" (p. 678); and Joseph-Barthélemy (*loc. cit.*): "Unser Land hat immer unvermutete Reserven."

[95] This is the expression employed in the debate before the Interparliamentary Union by the two French speakers, M. le Dr. Chassaing (*Compte rendu*, p. 672): "La crise du régime parlementaire . . . . n'est qu'une crise de croissance"; and M. Capgras (*ibid.*, p. 681). Cf. also Hauriou, *Principes*, p. 774. M. Hubert (*op. cit.*, p. 1) varies the expression when he says: "La France est à l'état de crise politique: crise sourde, qui ne date point de la guerre, et dont les chocs parlementaires et les bouleversements ministeriels ne sont que les fulgurations douloureuses. . . . . Cette crise est une crise de conscience."

[96] Cf. Interparliamentary Union, *Compte rendu*, p. 682. This is the thesis of M.

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reforms are of little avail. The two things really belong together.

This study may be brought to an end, as it was begun, with a reference to the debate in 1925 by the Interparliamentary Union on the alleged parliamentary crisis. This reference will be to the simple words of a Swedish delegate,[97] who expressed a sentiment likewise voiced by others. The trouble with the parliamentary régime, he said,[98] is that it has been a sort of formal democracy. No one denies that forms are necessary; but unless there is culture of the individual, improvement of forms is of little use. Formal democracy has had as its highest aim the conquest of political power. The danger of this is that room has not been left for ideas. "On the whole, the parliamentary crisis goes its way onward all the same. Such is human nature. As long as all parties are agreed that statesmanship has nothing to do with real democracy, as long as we refuse to go to the bottom of things in the deliberations of Parliament, as long as in contrast to Confucius, Socrates, and Christ, for instance, we regard the cultivation of personality as a matter which does not concern the state power, so long will a right governing of the state be an impossibility. It will always be ruled with the least possible wisdom, whether the form of government be parliamentary or something else."

The speaker thereupon suggested that the best program looking toward remedy was written twenty-five hundred years ago by Confucius: "The ancients . . . . ordered well their own states. Wishing to order well their states, they first regulated their families. Wishing to regulate their families, they first cultivated their persons. Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge.

Hubert, who says (*op. cit.*, p. 3): "C'est l'esprit public qui importe, et auquel il faut toujours remonter. Rien ne sera fait, tant qu'on n'aura pas atteint cette source première de tous les biens et de tous les maux." Cf. also Joseph-Barthélemy, *Le problème de la compétence*, pp. 215–216.

[97] M. Lindhagen.

[98] Interparliamentary Union, *Compte rendu*, pp. 665–668.

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Such extension of knowledge lay in the investigation of things. Things being investigated, knowledge became complete. Their knowledge being complete, their thoughts were sincere. Their thoughts being sincere, their hearts were rectified. Their hearts being rectified, their persons were cultivated. Their persons being cultivated, their families were regulated. Their families being regulated, their states were rightly governed. Their states being rightly governed, the whole kingdom was made tranquil and happy."[99]

[99] W. S. A. Pott, *Chinese Political Philosophy* (N. Y., 1925), pp. 93–94.

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PUBLIC LAW IN THE STATE COURTS IN 1926–1927

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I. THE LEGISLATURE

Legislative Apportionment. The problem of the representation of large cities or metropolitan districts in state legislatures is becoming increasingly difficult and acute. The number of states in which a single center of population is with each census approaching a size which entitles it, on the basis of its inhabitants, to a controlling proportion of the representatives in the state legislature grows steadily as the current of population toward the city continues to flow. Certain states have dealt with this situation by frankly and openly discriminating against these metropolitan areas by specifying that they shall never be entitled to more than a fixed percentage of the representatives. The constitutions of certain other states do not permit this, however, but require that after each decennial census a total fixed number of members in the legislative body shall be allotted equally to districts of equal population. If this is done the metropolis is guaranteed under each apportionment the increase in representation to which its proportionate increase in population entitles it. And the answer volunteered to this problem by several state legislatures has been steadily to refuse to reapportion the state.

This is what has occurred in Illinois. The Illinois constitution of 1870 requires the general assembly to apportion the state every ten years, beginning with the year 1871, by dividing the population of the state, as ascertained by the federal census, by the number 51. The quotient is the number of inhabitants to be placed in each senatorial district, and these districts are to be of compact and contiguous territory, bounded by county lines, and as nearly equal in population as possible. This mandate was followed by the Illinois legislature down to and including the reapportionment act of 1901, under which Cook county (Chicago), then comprising 38.1 per cent of the population of the state, was given 19 of the 51 state senators and 57 of the 153 representatives. No apportionment act has been passed in Illinois since 1901. By the census of 1920 Cook county contained 47 per cent of the population of the state, and it seems clear that by 1930 it will have more than 50 per cent. In spite of this fact, or more accurately because of this fact, the legislature has steadfastly refused to pass a reapportionment act;

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and the metropolitan area of Chicago with 47 per cent of the state's population is still represented by 37 per cent of the senators and representatives in the general assembly.

Political pressure in various forms has accomplished nothing, and Mr. John B. Fergus of Chicago, a private citizen, now brings an action in the supreme court of Illinois praying for a mandamus to compel Marks and others, as members of the general assembly, to meet and apportion the state into senatorial districts.[1] Can the court by mandamus compel the legislature to pass the act? The question is more spectacular than difficult. As was to be expected, the court held that it could exercise no such power. Following the same strategy for which Marshall has often been criticized in Marbury v. Madison, they proceeded first to indicate that the "duty the performance of which is sought to be compelled is clear and unmistakable." The court, however, cannot compel its performance, since under the constitutional doctrine of the separation of the powers of the three equal departments of the state government "neither of these departments can arrogate to itself any control over either one of the other departments in matters which have been solely confided by the constitution to such other department." The power to enact statutes is clearly and solely a legislative duty with which the courts cannot interfere. The duty to reapportion the state is a specific legislative duty resting upon the legislature alone, "and it alone is responsible to the people for a failure to perform its duty." It was urged by the plaintiff that even if the legislature could not be compelled by mandamus to pass a particular type of apportionment statute it could, nevertheless, be mandamused to act in the premises and pass some sort of act. The doctrine, said the court, was applicable in the case of officers subject to mandamus and legally obligated to perform a discretionary function; but no court, it was added, can compel the legislature to perform any duty imposed upon it.[2]

But while a state supreme court cannot compel a state legislature to apportion legislative districts as often as the constitution requires, it may prevent the legislature from apportioning the state more often than the constitution allows. This question was involved in the California case of Dowell v. McLees,[3] which follows the well-established doctrine that the legislature may not redistrict the state more than once after each census. In 1891 the legislature established districts as

[1] Fergus v. Marks, 152 N. E. 557, 1926.

[2] On the general features of the Illinois situation see p. 598 below.

[3] 248 Pac. 511, July, 1926.

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required by the constitution. The 79th district was described by boundaries to include all of San Diego county situated in the city of San Diego, while the 80th district included all of the same county not in the 79th district. No legislative change has ever been made in the boundaries of these districts. In 1923 San Diego and East San Diego were consolidated under the provisions of an act providing for such consolidation of municipalities. In 1925 certain unincorporated territory was annexed to the city of San Diego. Does the 79th district now include East San Diego and this additional annexed territory? It does not; because, first, there is no evidence of legislative intention to give the acts under which the consolidation and annexation were accomplished such effect, and because, secondly, under the doctrine stated above the legislature could not constitutionally change the district boundaries until after the next census. It is interesting to compare this eminently sound doctrine governing the creation of state legislative districts with the earlier New York case of People v. Voorhis,[4] in which the court of appeals by a divided bench held that in establishing congressional districts the legislature was at liberty to act as frequently as the shifting of population amongst the several districts might make it seem desirable. This case was commented upon by the writer in a previous number of the REVIEW.[5]

While in certain states the courts have shown great reluctance in interfering with legislative apportionment acts on the ground of failure to make the districts "as nearly as possible equal" in the number of voters or population, there are other states in which apportionment acts are subjected to rigid judicial scrutiny when attacked on such ground and are not infrequently invalidated. Such is the case in Massachusetts, and a current case is that of Merrill v. Mitchell,[6] in which the action of the board of county commissioners of Essex County in creating legislative districts was set aside for want of equality. Whereas 31 representatives were to be allotted and the districts should have averaged 5,788 voters, they actually ranged from 4,135 to 6,670.

In an advisory opinion[7] the supreme court of Massachusetts has declared that the popular referendum is inapplicable to a pending bill to establish congressional, councillor, and senatorial districts and to

[4] 222 N. Y. 494, 119 N. E. 106, 1918.

[5] See vol. xii, page 476.

[6] 153 N. E. 562, October, 1926. For an earlier precedent see Donovan v. Suffolk County Apportionment Commissioners, 113 N. E. 740, 1916.

[7] In re Opinion of Justices, 151 N. E. 680, April, 1926.

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apportion representatives. The reasons are fairly technical and not wholly convincing. It is suggested in a general way that "the mode and time of apportionment are prescribed by the constitution of the Commonwealth and it must be held that the people designed that it should be exercised at that time and by that mode only," a statement which seems by no means self-explanatory. Reliance is further placed upon the clause of the constitution of Massachusetts relating to the referendum, which clause provides that "no law that relates to . . . . or the operation of which is restricted to a particular town, city, or other political division or to particular districts or localities of the commonwealth . . . . shall be subject to a referendum petition." Representative districts in Massachusetts are established by the mayor and aldermen of Boston, and by the county commissioners or other special commissioners in the other counties of the state, and under the constitutional provision just quoted would not be subject to referendum. This being true, it is inconceivable, says the court, that the referendum should apply to congressional, councillor, and senatorial districts when it could not apply to representative districts. In the Ohio case of State v. Hildebrant[8] and the South Dakota case of State v. Polley[9] legislative apportionment acts were held subject to referendum, but the Massachusetts court distinguished these cases from the one before it on the ground that the referendum clauses of the Ohio and South Dakota constitutions contain no restrictive clauses similar to the Massachusetts provision quoted.

Delegation of Legislative Power. It seems clearly established that a state legislature may definitely adopt provisions of the federal statutes as its own law or may incorporate them by reference into its statutes, and that this does not amount to an unconstitutional delegation of legislative power upon the part of the state legislature. It is equally clear that such incorporation by the state of federal enactments not yet passed, but which may be passed, is a delegation of legislative authority and therefore void. This rule was relied upon, in the case of State v. Webber,[10] by the supreme court of Maine in construing the state prohibition law which forbade the transportation of liquor into or within the state without a permit "duly issued under authority conferred by the National

[8] 114 N. E. 55, 94 Oh. St. 154, 1916, affirmed in 241 U. S. 565, 1916.

[9] 26 S. D. 5, 127 N. W. 848, 1910.

[10] 133 Atl. 738, June, 1926. This follows the earlier case of State v. Holland, 117 Me. 288, 104 Atl. 159, 1918, dealing with a similar question of incorporation into state law of future provisions of the future pharmacopœical requirements of Congress.

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Prohibition Act of October 28, 1919, and amendments thereto." This was interpreted as not applying to amendments which had not been passed when the state law was enacted.

The claim that the New York legislature had delegated its legislative power was urged without success upon the court of appeals of that state in the case of People v. Goldfogle.[11] The federal statute of 1923[12] relating to the state taxation of national bank shares had provided that such tax should not be higher in rate than that assessed "upon other moneyed capital in the hands of individual citizens of such state coming into competition with the business of national banks." A state tax was accordingly levied upon such competing capital. This was alleged to delegate the state's legislative power to Congress, because the capital taxed must be in competition with the business of national banks; and since the business of those banks may be enlarged or diminished by federal statute Congress may thus determine what shall be the actual subject of the state tax. The court of appeals held that the legislature might classify capital for taxation according to its use even though such use might "thereafter be changed or enlarged by custom, usage, or federal statutory provision." In Williamsburgh Savings Bank of Brooklyn v. State[13] the same court held that the legislature had not unconstitutionally delegated legislative power to the court of claims by authorizing that court to consider the facts which would furnish the foundation for a moral obligation resting upon the state in the matter of the payment of certain public improvement bonds. The bonds were to be paid from funds raised by special assessments, but on account of the failure of the project the assessments could not be collected. It was held that the court of claims did not impose the moral obligation on the state to pay the claims, but that the court served as the agent of the legislature to determine in concrete cases whether moral obligations actually existed.

Referendum. Popular referenda upon some phase of the prohibition issue were held in eight states in the November elections of 1926.[14] Two of these were attacked upon constitutional grounds, but in each case unsuccessfully. In New York in the case of People v. Voorhis[15] the court

[11] 151 N. E. 452, March, 1926.

[12] Act of March 4, 1923, 42 Stat. at L. 1499.

[13] 153 N. E. 58, July, 1926.

[14] California, Colorado, Illinois, Missouri, Montana, Nevada, New York, Wisconsin.

[15] 153 N. E. 854, October, 1926.

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of appeals refused to issue a mandamus directing the board of elections of New York City not to submit to the voters the question proposed by the legislature.[16] The court expressed doubt as to whether this was a proper case for a mandamus, but went on to say, in a very brief opinion, that the statute providing for the referendum did not violate any constitutional restriction or prohibition and was therefore within the competence of the legislature. The Wisconsin case of State v. Zimmerman[17] arose on a petition for an injunction to restrain the secretary of state from submitting the liquor referendum to the people.[18] Here also, inasmuch as it was agreed that the entire cost of submitting the question would be but fifteen dollars, the court was not impressed by the necessity of extending injunctive relief, even if the merits of the controversy seemed to warrant it. But they held that the legislature had not exceeded its power. It had been urged that since the referendum was in the nature of a petition to Congress to modify the Volstead Act it did not relate to any matter concerning the state legislature and was, therefore, outside the scope of that body's functions and authority. The court pointed out, however, that the information gained from the referendum might well aid the state legislature in the proper exercise of its concurrent power to enforce the Eighteenth Amendment. The fact that the legislature had submitted the measure to referendum by a joint resolution rather than by a statute was held unobjectionable.

Three other cases dealing with various phases of the referendum or the initiative may be mentioned. In State v. Howard[19] it is held that the filing of a referendum petition does not suspend the operation of the law sought to be referred, since the constitution of Nevada, unlike that of most referendum states, does not specifically provide for such suspension. The court declined to read any such stipulation into the constitutional provision. The supreme court of Oregon in Othus v.

[16] The question was: "Should the Congress of the United States modify the federal act to enforce the 18th Amendment so that the same shall not prohibit the manufacture, sale, transportation, or exportation of beverages which are not, in fact, intoxicating, as determined in accordance with the laws of the respective states?"

[17] 210 N. W. 381, October, 1926.

[18] The question submitted was: "Shall the Congress of the United States amend the 'Volstead Act' so as to authorize the manufacture and sale of beer, for beverage purposes, of an alcoholic per cent of 2.75 per cent by weight, under governmental supervision but with the provision that no beverage so purchased shall be drunk on the premises where obtained."

[19] 248 Pac. 44, August, 1926.

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Kozer[20] faced an interesting problem in determining the number of legal voters necessary to sign an initiative petition. The constitutional requirement for this purpose is eight per cent of the legal voters, and the term "legal voters" is defined in terms of the whole number of votes cast for justice of the supreme court in the last election. In the election of 1924 there were three candidates for justice of the supreme court, and the votes cast for them varied widely. The court, following precedents set by state administrative officers, ruled that the constitution requires for an initiative petition eight per cent of the greatest number of votes received by any candidate for justice of the supreme court. In Elkins v. Milliken[21] a petition seeking to initiate a constitutional amendment which would repeal the Colorado civil service amendment was thrown out by the supreme court of that state since, at the time of filing, the petition did not include the residences of signers and dates of signing, and an attempt upon the part of the sponsors of the measure to supply this information later was entirely irregular.

II. THE GOVERNOR AND THE ADMINISTRATION

The Power of Pardon. The recent development of systems of parole and suspended sentences for criminals has presented certain constitutional problems involving the relations of those systems to the pardoning power of the governor. Does a parole or the suspension of a sentence invade the power of pardon? Apparently it does in Mississippi but not in Georgia. A Mississippi statute made wife desertion a crime, but allowed the court to suspend the sentence upon the filing by the prisoner of a bond that he will support and maintain his wife and family. If within two years he fails to do this the original sentence is enforced against him. This is held in State v. Jackson[22] to amount to an exercise of the power of pardon which is exclusively vested in the governor. A convincing dissenting opinion argues that the suspended sentence is not an act of grace but a clear statutory right. In Williams v. State[23] an opposite result is reached by the supreme court of Georgia. Here the power of parole vested in the court by the state prohibition law is held not to interfere with the pardoning power of the governor. It is merely an exercise by the court of the power given it to fit the punishment to the facts of the case. The court also held that there was no want of due

[20] 248 Pac. 146, July, 1926.
[21] 249 Pac. 655, September, 1926.
[22] 109 So. 724, October, 1926.
[23] 133 S. E. 843, June, 1926.

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process because the parole could be revoked for cause by the court without a jury trial. In the interesting Arizona case of State v. Superior Court[24] it is held that the governor of the state has no power to parole a prisoner. That power has been vested in a board of pardons and paroles. Therefore the superintendent of prisons who released a prisoner on parole upon order of the governor was without authority to do so, and was properly cited for contempt of the court which had originally sentenced the prisoner and was fined.

The supreme court of Washington holds in State v. Hazard[25] that the unconditional pardon by the governor of a person convicted of manslaughter does not restore to such person the license to practise the art of healing which had been revoked because of the conviction. Relying upon the general theory of the case of Hawker v. New York,[26] the revocation is deemed not part of the punishment but an exercise of the police power of the state. This view finds support in other jurisdictions.[27]

Succession to Governorship by Lieutenant-Governor. The Oklahoma case of Fitzpatrick v. McAlister[28] involves a wholly unique constitutional problem of considerable interest. When Governor Walton was impeached and removed from office in 1923 Lieutenant-Governor Trapp succeeded to the governorship and served the remainder of the term. Trapp then sought nomination to succeed himself as governor. Under the Oklahoma constitution the governor, secretary of state, and treasurer may not succeed themselves immediately. Trapp claimed that he was only "acting" governor and that the vacancy in the governorship caused by the removal of Walton still remained. Of course if he was merely the lieutenant-governor performing the duties of the governor in a temporary capacity he would be eligible to election to the office of governor in his own right. The supreme court did not, however, agree that such was his status. Trapp was actually the governor upon succeed-

[24] 246 Pac. 1033, June, 1926.

[25] 247 Pac. 957, July, 1926.

[26] 170 U. S. 189, 1898.

[27] In Baldi v. Gilchrist, 204 App. Div. 425, 198 N. Y. Supp. 493, 1923, a pardoned felon was denied the right to operate a taxicab on the ground that conviction of crime established bad character. In People v. Gilmore, 214 Ill. 569, 73 N. E. 737, 1905, a pardon for a conviction for crime committed in another state did not efface the moral turpitude established by that conviction so as to prevent the defendant's disbarment in Illinois. In In re Spenser, 5 Sawyer 195, Fed. Case No. 13, 234, 1878, it is held that a pardon does not obliterate a crime for purposes of establishing the good moral character necessary to obtain American citizenship by naturalization.

[28] 248 Pac. 569, June, 1926.

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ing to that office. "He is the 'governor' for the simple reason that he governs. A governor is one who governs. He governs officially for the reason that Section 16 vests him with authority to do so and requires him to do so. Therefore he is the official governor." The court admitted that no precedent could be cited to govern the case. It referred by way of analogy, however, to the fact that the national vice-president has always succeeded to the office of the president upon the death of the latter and becomes in fact president. Trapp accordingly was held ineligible to immediate election to the governorship.

Officers and Employees of the State. It has long been true that the legal status of an employee of the state is in certain respects more favorable than that of a public officer, since the relationship of the former to the state is usually contractual while that of the latter is not. He has, therefore, certain rights which the officer does not enjoy. It now appears that his status is still more advantageous, since he enjoys the protection accorded by the workmen's compensation acts of the state, while such protection is denied to the officer. In Goss v. Gordon County[29] a county policeman in Georgia was held by the Georgia supreme court to be a public officer rather than an employee, and therefore incapable of sharing the benefits of the act. In California Highway Commission v. Industrial Accident Commission[30] it was held by the California supreme court that convicts who, under the Convicts Road Camp Act of 1923, elected to perform labor on the state highways for which they were paid a daily wage enjoyed to that extent a contractual status which made them employees of the state and entitled them, therefore, to the benefits of the state workmen's compensation act.

III. JUDICIAL POWER

Declaratory Judgments. In the case of McCrory Stores Corporation v. Braunstein,[31] New Jersey joins the ranks of those states in which statutes providing for declaratory judgments are held constitutional against the usual objection that they impose non-judicial duties upon the courts. The writer has commented upon this situation in an earlier issue of the REVIEW.[32]

Legislative Interference with Inherent Judicial Power. In a number of instances acts were held void because they encroached upon the inherent

[29] 133 S. E. 68, April, 1926.
[30] 251 Pac. 808, December, 1926.
[31] 134 Atl. 752, October, 1926.
[32] See vol. xx, page 587.

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judicial powers of the courts. In Miller v. Hay[33] a state revenue agent had sued to recover a debt due the county. The debtor had arranged to borrow the money to pay the debt. The legislature of Mississippi passed a law to the effect that the suit should be abated but that it might be revived by the board of supervisors of the county. The supreme court of Mississippi held the law invalid as an attempt on the part of the legislature to interfere in a pending judicial controversy by the exercise of a power which the constitution vested solely in the courts. It made no difference that the legislature had the power, by appropriate action, to take the right to sue away from the revenue agent. In Ex parte French[34] the Missouri supreme court invalidated the statutory provision forbidding the state bank examiner under penalty of fine and forfeiture of office to disclose any facts obtained by him in the examination of banks. Relying upon this statute, the officer refused to testify in a civil action and was jailed for contempt of court. The court held the provision void as an interference with the court's inherent power to produce necessary evidence. It was also a denial of equal protection of the laws, since the bank examiner was allowed by the statute to disclose the confidential information to federal reserve bank officers.

In the Ohio case of Tuck v. Chapple[35] the power of the legislature to prevent the supreme court from vacating or modifying its judgment after the close of the term was denied on the ground that this is an invasion of the judicial power which the court derives from the constitution. A similar result was reached, for similar reasons, in the case of A. T. & S. F. Ry. Co. v. Long,[36] in which an Oklahoma provision was invalidated which required in the case of certain appeals from tax levies that the cases be tried within ten days after the defendant had answered and that appeals be taken within ten days after judgment had been rendered. This was held to be a usurpation of the judicial discretion necessary for the proper administration of justice. On the other hand, in the case of U'Ren v. Bagley,[37] an Oregon statute providing for the disqualification of judges on grounds of prejudice was held not to invade the proper province of judicial power. An Ohio statute of 1923 affecting common pleas courts in Cuyahoga county (Cleveland) provided for a chief justice of the common pleas courts one of whose duties it was to

[33] 109 So. 16, June, 1926.
[34] 285 S. W. 513, June, 1926.
[35] 151 N. E. 48, February, 1926.
[36] 251 Pac. 486, December, 1926.
[37] 245 Pac. 1074, May, 1926.

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require and receive reports from the other judges as to the work they had performed, the number of days and hours spent in it, etc. The common pleas judges received a fixed salary of $3,000 and in addition an annual compensation based on the population of the county. The county auditor, however, was instructed by the law not to pay the additional compensation until the chief justice certified that the proper reports had been filed. This arrangement was held unconstitutional in the case of Zangerle v. State.[38] It was pointed out by the court that under the state constitution the compensation of judges could not be enlarged or diminished during their term of office and could not, therefore, be made to vary with the work done nor made payable at times depending upon the approval of another officer, since the constitution required that it be paid at stated times.

POLITICAL RIGHTS—ELECTIONS

Stickers on Ballots. There is disagreement in various jurisdictions as to whether gummed and printed stickers may lawfully be used in elections in lieu of writing in the names of candidates not appearing upon the official ballot. The weight of authority is against the use of stickers unless they are specifically authorized. This is the result reached by the supreme court of California in the case of McFarland v. Spengler.[39] The California statute provides that "any name written upon a ballot shall be counted for such name for the office under which it is written," and further specifies that no supplies or conveniences shall be furnished the voters other than the ink pads and stamps with which a cross may be made. The view of the court that the word "written" meant literally *written*, and not *printed*, was supported by the legislative and judicial history of the state. The court relied heavily upon an Illinois case in which the supreme court of that state had declared: "It is manifest that, if pasters may be resorted to by one candidate, they may be by all, and the official ballot might become but little more than a convenient card upon which to paste private tickets printed and circulated in secret. The use of such tickets would revive the evils sought to be guarded against by the ballot law."[40] In the case of O'Brien v. Board of Elections Commissioners[41] the Massachusetts supreme court adopted a less strict rule, however, and permitted the

[38] 152 N. E. 658, June, 1926.
[39] 248 Pac. 521, July, 1926.
[40] McSorley v. Schroeder, 196 Ill. 99, 63 N. E. 697, 1902.
[41] 153 N. E. 553, October, 1926.

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use of printed stickers, but insisted that they must be put in the proper place upon the ballot and marked with a cross in the regular way.

Test of Party Affiliation in Direct Primary. A Texas statute of 1925 provides as a test of party affiliation for voting in a primary merely the statement: "I am a [Democrat, Republican, etc.] and pledge myself to support the nominees of this primary." The court of civil appeals holds in the case of Briscoe v. Boyle[42] that a Democratic county committee cannot establish additional tests in the following form: "I now declare under oath that I did not vote, give aid, support or comfort to any political party and its nominees, other than the Democratic party and its nominees in the last general election, and I further declare that I will support the nominees of this party at the next general election."

CIVIL RIGHTS

RIGHTS OF PERSONS ACCUSED OF CRIME

Ex Post Facto Law. A Washington statute of 1925 allowed the revocation of the licenses of drugless healers when, in the judgment of the director of licenses the licensee lacks the qualifications established by law. This action is to be taken after a hearing at which the licensee is required to answer questions bearing upon his qualifications. Following the doctrine of Hawker v. New York,[43] this statute was held by the state supreme court[44] not to be ex post facto as applied to one licensed before the enactment of the statute, since the revocation of the license is an exercise of the state's police power and not a penalty. For the same reason, the protection against self-incrimination is not violated by the compulsory testimony provision, the licensee of course reserving the right to decline to answer questions when such answers might give rise to prosecution.

Double Jeopardy. In State v. Shaw[45] the defendant was convicted, in a New Jersey recorder's court, of driving while intoxicated. On appeal, this was set aside by the common pleas court on the ground that the act under which the conviction was had had been repealed by the Motor Vehicle Act of 1921. The defendant was thereupon tried and convicted under the latter act. This was held by the supreme court not to involve double jeopardy, since trial and conviction by a court having no juris-

[42] 286 S. W. 275, July, 1926.
[43] 170 U. S. 189, 1898.
[44] State v. Superior Court, 247 Pac. 942, July, 1926.
[45] 133 Atl. 536, February, 1927.

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diction, as was the case with the recorder's court, does not constitute jeopardy.

Corruption of Blood—Forfeiture of Estate. Whether one who kills another for the purpose of inheriting the estate of the murdered person should be allowed to enjoy the fruits of his crime and take advantage of the ordinary laws of the state governing the succession to property is a question upon which there is a good deal more conflict of judicial opinion than the layman is likely to suppose possible. A Washington statute gives the surviving spouse $3,000 of the estate of the deceased spouse, except in the case of fraud. In the case of In re Tyler's Estate[46] a husband who murdered his wife and was serving a life sentence therefor was denied the right to inherit $3,000 of his wife's estate. Said the court: "To allow the respondent to reap the reward of his intentional homicide by granting him the separate property of his murdered wife is so utterly opposed to justice, good conscience, morals and the mores of the common law . . . . that we are utterly unable to assent thereto." A vigorous dissent was filed on the ground that the court had no right to read an exception into the statute which the legislature had not placed there. The two opinions are well reasoned and adequately present the conflicting authorities on this interesting point.[47] The constitutional objection that the murderer is subjected to forfeiture of property and corruption of blood by denying him the right to inherit is rejected on the ground that his right to the estate in question had not vested.

Imprisonment for Debt. The difference between imprisonment for debt and imprisonment for fraudulent or otherwise objectionable acts incidental to debt transactions is emphasized in two cases. A Florida statute of 1923 making it a penal offense to sell land upon which there is a lien without the consent of the liener, was held in State v. Dowling[48] to be neither a denial of due process of law nor imprisonment for debt. The Arizona case of State v. Meeks,[49] upholding a statute providing

[46] 250 Pac. 456, October, 1926.

[47] Authorities supporting the principal case are Riggs v. Palmer, 115 N. Y. 506, 22 N. E. 188, 1889; Perry v. Strawbridge, 209 Mo. 621, 108 S. W. 641, 1908; Cleaver v. Mutual Reserve Fund Life Ins. Co. 1 Q. B. 147, 1892. Following the opposite rule are Shellenberger v. Ransom, 41 Neb. 631, 59 N. W. 935, 1894, overruling 31 Neb. 61, 47 N. W. 700, 1891, McAllister v. Fair, 72 Kans. 533, 84 Pac. 112, 1906; Owens v. Owens, 100 N. C. 240, 6 S. E. 794, 1888; Holloway v. McCormick, 41 Okla. 1, 136 Pac. 1111, 1913; In re Carpenter's Estate, 170 Pa. 203, 32 Atl. 637, 1895.

[48] 110 So. 522, November, 1926.

[49] 247 Pac. 1099, July, 1926.

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imprisonment for signing a worthless check with intent to defraud, is in line with a substantial body of authority.[50]

Equality of Civil Rights for Men and Women. The Wisconsin statute of 1921[51] establishing equal civil rights for men and women is held by the supreme court of that state to permit a wife to sue her husband for damages arising out of negligence. In the case of Wait v. Pierce[52] a married woman sued a garage man who was a partner of her husband for damages for personal injuries. The court held that the husband was properly joined as defendant. In Thompson v. Thompson[53] the United States Supreme Court, with three justices dissenting, had declined to construe the District of Columbia Married Women's Act of 1901 in such a way as to permit the wife to sue the husband for assault and battery, although the language of the statute, as in this case, was broad enough to justify such construction. The Wisconsin court, however, declined to limit the scope of the act by interpretation. In taking this attitude the court follows its own precedent in the case of Wisconsin National Bank of Milwaukee v. Milwaukee Patent Leather Co.,[54] commented upon in an earlier number of this REVIEW.[55]

THE FOURTEENTH AMENDMENT

I. THE EQUAL PROTECTION OF THE LAW

Discrimination Against Negroes. The authority of the recent United States Supreme Court decision in Corrigan v. Buckley[56] that the Fifth and Fourteenth Amendments do not forbid private covenants running with the land which discriminate against negroes is held by the supreme court of Alabama in the case of Wyatt v. Adair[57] to support a contract

[50] See State v. Pilling, 53 Wash. 464, 102 Pac. 230, 1909; Hollis v. State, 152 Ga. 182, 108 S. E. 783, 1921; State v. Avery, 111 Kans. 588, 207 Pac. 838, 1922.

[51] The statute reads: "Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding of office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers shall construe the statutes where the masculine gender is used to include the feminine gender unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare."

[52] 209 N. W. 475, May, 1926.

[53] 218 U. S. 611, 1910.

[54] 179 Wisc. 117, 190 N. W. 822, 1922.

[55] See vol. xvii, page 443.

[56] 271 U. S. 323, 1926. For comment upon this case see the REVIEW, vol. xxi, page 80.

[57] 110 So. 801, December, 1926.

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between a landlord and a white tenant that negroes shall not be rented apartments in the same building. In this case the landlord, pending the occupancy by the white tenant, rented another apartment in the same building to negroes and placed them in possession. There was no specific agreement barring the landlord's action. The court held, however,that it is a "general custom in Alabama between landlords and tenants that premises dependent on one toilet [as in this case] being leased in part to white people, the other part would not be leased to colored people" and that "the lease to the plaintiff was made with reference to the said custom as a part of the contract." The landlord was held guilty of breach of the contract. In the case of Greathouse v. Board of School Commissioners[58] the supreme court of Indiana sustained the right of the board to spend public money to build a separate high school in Indianapolis for colored children. The segregation of the races in public schools is not forbidden by the Fourteenth Amendment and is specifically authorized by the laws of the state. The fear expressed by the taxpayers instituting the action that a denial of the equal protection of the law would result from the inferior accommodations which would probably be offered in the colored high school was held not to present an immediate constitutional objection. In Pickett v. Kuchen[59] an ordinary civil rights statute forbidding discrimination against negroes in theaters and places of amusement was held constitutional by the supreme court of Illinois against the charge that it involved arbitrary interference with the freedom of contract of the owner as well as arbitrary discrimination against the theater business.

Miscellaneous Classification under the Police Power. The California Motor Vehicle Transportation License Act of 1923 imposed a four per cent gross receipts license tax upon persons operating motor vehicles upon the public highways. A considerable number of groups of persons were then exempted from the requirements of the act, and the supreme court of the state, in Bacon Service Corporation v. Huss,[60] addressed itself to the problem of sorting these exemptions into those which were based upon reasonable classification and those which were not. The provisions exempting those who transported children to and from the public schools, those transporting their own property or employees and not transporting persons or property for hire, and those operating city vehicles in cities not over regular routes were upheld. The exemption of

[58] 151 N. E. 411, March, 1926.
[59] 153 N. E. 667, October, 1926.
[60] 248 Pac. 235, June, 1926.

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sight-seeing motor vehicles and of operators deriving a portion of their gross receipts from mail contracts were held to deny the equal protection of the law. After a long and valuable discussion on the effect of partial unconstitutionality, the valid portions of the act were allowed to remain in effect. In Ratcliff v. State[61] the Texas court of criminal appeals held void, for want of equal protection, the Open Port Law of 1925 designed to prevent "such interference with the employees of common carriers as would injuriously affect the movement of interstate commerce." The law punished physical violence against those so employed by imprisonment from one to five years; while physical violence directed against any other person remains, as before, merely a simple assault punishable by fine. As the court described it, "if you slap A you are fined; if you slap B you have committed a felony and may be sent to the penitentiary merely because B is employed by a common carrier, even though you may not know that he is." Such arbitrary classification is forbidden by the Fourteenth Amendment. The same constitutional objection is held by the supreme court of Kansas, in the case of Ex parte Irish,[62] to apply to a city ordinance which requires a license of non-resident vendors of baked goods when no similar license is required of residents.

II. DUE PROCESS OF LAW—THE POLICE POWER

The Tennessee Anti-Evolution Statute—The Scopes Case—Due Process and Religious Liberty. It is an interesting commentary upon what constitutes "news" in this country that so few people who read with avidity the press accounts of the trial of Mr. John T. Scopes at Dayton, Tennessee, for violating the world-famous Tennessee anti-evolution law will know, or can find out, what finally became of that case. And it is unfortunate that those who felt themselves free to hurl ribald jests at the lawmakers who passed that statute will in so very few instances ever read the learned and able opinion in which the supreme court of Tennessee in the case of Scopes v. State[63] wrote the last chapter of that interesting story. One cannot read that case without feeling that the state of Tennessee has recouped, through its supreme court, a very large measure of whatever dignity it may have lost through the enactment of the statute or the conduct of the original Scopes trial. It will be observed that the title of the statute was: "An Act Prohibiting the

[61] 289 S. W. 1072, October, 1926.
[62] 250 Pac. 1056, May, 1926.
[63] 289 S. W. 363, January, 1927.

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Teaching of the Evolution Theory," while the provisions of the act itself do not mention evolution but merely forbid the teaching (in all public schools of the state supported wholly or partly by public funds) of "any theory that denies the story of the divine creation of man as taught in the Bible" or the teaching "that man has descended from a lower order of animals."

The first constitutional objection urged against the statute was directed against the vagueness of its terminology. What is evolution? How can a man be punished in accordance with due process of law for teaching evolution when there is great difference of opinion as to what evolution is? The court, however, was not impressed by this objection. They held that evolution, within the meaning of the act, should be construed in terms of man's derivation from a lower order of animals. This is sufficiently certain and definite. It was objected, in the second place, that the statute was a denial of due process and the law of the land in contravention of the Fourteenth Amendment and the constitution of Tennessee. The court met this by pointing out that Scopes was an employee of the state. He had no right or privilege to serve the state save on terms prescribed by it. He was not forbidden to teach evolution elsewhere. The statute was an act of the state in its capacity as a corporation, a proprietor, an employer, and not an exercise of the general police power. Its validity may be supported upon the authority of the United States Supreme Court decisions in Heim v. McCall,[64] Atkin v. Kansas,[65] Ellis v. United States,[66] and Waugh v. Board of Trustees.[67] The court emphasized the fact that Truax v. Raich,[68] Meyer v. Nebraska,[69] and Pierce v. Society of Sisters[70] all invalidated state statutes which had been directed against private schools or private interests, and not public educational institutions as in this case.

[64] 239 U. S. 175, 1915, upholding the New York statute giving citizens a preference in employment on public work.

[65] 191 U. S. 207, 1903, sustaining a Kansas statute establishing an eight-hour day on public work.

[66] 206 U. S. 246, 1907, upholding the federal statute restricting hours of labor on work done for the federal government.

[67] 237 U. S. 589, 1915, upholding a state statute barring fraternities from state-supported universities.

[68] 239 U. S. 33, 1915, invalidating the Arizona law requiring employers to employ eighty per cent citizens.

[69] 262 U. S. 390, 1923, invalidating the Nebraska statute forbidding the teaching of foreign languages in the elementary schools.

[70] 268 U. S. 510, 1925, holding void the Oregon statute making the attendance of children at public schools compulsory.

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A third ground of attack upon the act was based upon the educational clause of the Tennessee constitution which stipulates: "It shall be the duty of the General Assembly in all future periods of this government to cherish literature and science." This, the court said, could not be enforced as a mandatory requirement upon the legislature. It is directory, merely. If a private trust were created to "cherish science," the court would have to declare it void for uncertainty. How, then, can the court undertake to supervise the administration of such a clause by the legislature, a much more delicate task? Obviously the court cannot undertake to decide whether the teaching or not teaching of a particular subject will "cherish science." The last and most interesting constitutional objection was that the anti-evolution law violated the state constitutional provision "that no preference shall ever be given, by law, to any religious establishment or mode of worship." The court was unable to see how such a result was accomplished by the statute. As the judge writing the opinion observed: "Since this cause has been pending in this court we have been favored, in addition to briefs of counsel and various amici curiae, with a multitude of resolutions, addresses, and communications from scientific bodies, religious factions, and individuals, giving us the benefit of their views on the theory of evolution. Examination of these contributions indicates that Protestants, Catholics, and Jews are divided among themselves in their beliefs, and that there is no unanimity among the members of any religious establishment as to this subject. Belief or unbelief in the theory of evolution is no more a characteristic of any religious establishment or mode of worship than is a belief or unbelief in the wisdom of the prohibition laws. It would appear that the members of the same churches quite generally disagree as to these things." Furthermore, the act does not require the teaching of anything. It merely forbids the teaching of a particular thing. Evolution may not be taught, but nothing contrary to evolution is required to be taught. If the school authorities wish they may drop biology entirely from the curriculum of the schools. In view of these various arguments, the court found that the anti-evolution act did not violate any constitutional provisions, state or federal.

The actual disposition of the case, in view of its enormous publicity, is rather amusing. Under the constitution of Tennessee any fine in excess of $50 imposed in a criminal action must be assessed by the jury. Scopes was fined $100, the minimum penalty provided for in the statute, but the trial judge had imposed the fine. Since the judge had no power

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to do this, the conviction was reversed. Thereupon, the court observed: "The court is informed that the plaintiff in error is no longer in the service of the state. We see nothing to be gained by prolonging the life of this bizarre case. On the contrary, we think the peace and dignity of the state, which all criminal prosecutions are brought to redress, will be better conserved by the entry of a nolle presequi herein. Such a course is suggested to the attorney-general." A dissenting opinion was filed in which the view was taken that the statute was void for want of certainty, relying upon the recent United States Supreme Court decision in Connally v. General Construction Co.[71] There is also an interesting concurring opinion in which the statute is interpreted as forbidding only "atheistic evolution" but not other kinds, so that "the way is left open for such teaching of the pertinent sciences as is approved by the progressive God-recognizing leaders of thought and life."

In the case of Komen v. City of St. Louis[72] the supreme court of Missouri upheld the validity of a Sunday-closing ordinance applicable to bakeries against a long list of constitutional objections brought by an orthodox Jew. The court found no denial of equal protection nor any invasion of religious liberty. The opinion in the case is long and valuable.

Miscellaneous Exercise of the Police Power. A considerable grist of state laws passed in the exercise of the police power were attacked for want of due process and were in most cases sustained. Among these was an Iowa statute requiring breeding cattle to be tested for tuberculosis[73]; a Michigan act providing for the legal disposition of the property of persons absent and unheard of for seven years[74]; a New Jersey enactment by which a non-resident motorist is obliged to make the secretary of state his agent for service of process in any case arising out of accident within the state[75]; a North Dakota statute providing for compulsory fire and tornado insurance to be carried by any county, town, city, village, or school district upon its public property[76]; and a Colorado law requiring the installation of a fan and the maintenance of a certified

[71] 269 U. S. 385, 1926.

[72] 289 S. W. 838, December, 1926.

[73] Fevold v. Board of Supervisors, 210 N. W. 139, September, 1926.

[74] Walz v. Dawson, 209 N. W. 177, June, 1926, citing Cunnins v. Reading School District, 198 U. S. 458, 1905.

[75] Pizzutti v. Wuchter, 134 Atl. 727, October, 1926. See also Pawloski v. Hess, 250 Mass. 22, 144 N. E. 760, 1924.

[76] Minot Special School District No. 1 v. Olsness, 208 N. W. 968, February, 1926.

[77] Dalrymple v. Sevcik, 251 Pac. 134, November, 1926.

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foreman in underground coal mines.[77] A Delaware statute, on the other hand, was held to lack due process which allowed the forfeiture of an automobile in which liquor was unlawfully transported when the owner was no party to the crime, and when no notice and hearing were allowed him.[78]

An interesting and somewhat amusing case is that of Utah State Fair Association v. Green,[79] in which a Utah statute permitting betting on horse races was upheld against the charge that it violated a provision in the Utah constitution forbidding the legislature to authorize any game of chance, lottery, or gift enterprise. The statute specifically allowed bets or wagers under the coöperative or parimutual system of betting. The crucial constitutional issue seemed to be whether horse racing was a game of chance or of skill, and the court decided that it was the latter. It observed: "If games such as horse racing, baseball, billiards, chess, and other games in which there is a basis for the exercise of judgment, learning, experience, and skill, must be classed as games of chance, even though there may be an element of chance, then we are unable to determine what constitutes a game of skill as contra-distinguished from a game of chance."

In Jardine v. City of Pasadena[80] the supreme court of California held that the erection by the city of an isolation hospital in a residence district did not amount to a denial of due process. The court did not accept the plaintiff's contention that the hospital was a nuisance per se, but decided that its location was a matter of legislative discretion under the police power.

Police Power in City Planning—Zoning Regulations, etc. In two cases the question whether the police power can be used for essentially esthetic purposes is answered in the negative. The most interesting of these, The Appeal of White,[81] involved the zoning ordinance of the city of Pittsburgh. In certain zones a front yard with a minimum depth of fifteen feet was required, and it was further provided that when eighty per cent of all the buildings in the district on one side of a street between two intersecting streets should have been kept back from the street line, no buildings should thereafter be set nearer the street line than the distance established by a majority of eighty per cent when the ordinance was passed. White violated this ordinance by enclosing an open porch

[78] State v. Rose, 132 Atl. 864, February, 1926.
[79] 249 Pac. 1016, August, 1926.
[80] 248 Pac. 225, July, 1926.
[81] 134 Atl. 409, June, 1926.

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on his house, thus converting it into a room. The court held, in no mild language, that this ordinance was an arbitrary exercise of the police power. "What reasonable relation has the setback line, or the space in front of houses in ordinary residence districts, to the health, safety, or morals of the community? It certainly would not disturb the comfort of the ordinary person; it is not offensive to the eye, nor a source of sickness; it does not materially increase or decrease fire hazards. To bring this and other like regulations under the police power would be to sweep away constitutional guarantees on the ownership of property. It is regulation run mad." Furthermore, the ordinance was grossly discriminatory, since it did not bear alike upon all persons living in the same territory. It was also pointed out that in certain extreme cases the application of the eighty per cent rule might result in preventing the owner of a shallow lot from using any of it for building purposes. In Cain v. State[82] the Texas court of criminal appeals held void the Galveston billboard ordinance of 1924 as being ex post facto as to billboards erected before its enactment and wanting in due process as to those and all others. Such a restriction upon the use of private property bears no relation to the public welfare and is not a reasonable exercise of the police power. The court cited many cases, but made no allusion to the case of Thomas Cusack Company v. Chicago,[83] in which the United States Supreme Court upheld the validity of the Chicago billboard ordinance.

A lawful restriction in a deed affecting the use of land and forbidding its use for purposes offensive to a neighborhood used for dwelling purposes is not superseded by the provisions of the Massachusetts zoning law of 1924, under the administration of which the property in question might have been used for a much wider variety of purposes. The zoning law would have permitted the building of a public garage; the covenant in the deed was held to forbid it. This is the case of Vorenberg v. Bunnell.[84]

Licenses under the Police Power. The New York Real Property Law, as amended in 1922, 1923, and 1924, established a system of licenses for real estate brokers with annual renewals, and denied to unlicensed brokers the right to charge commissions. This is held in Roman v. Lobe[85] to be a valid exercise of the police power and not wanting in due

[82] 287 S. W. 262, October, 1926.
[83] 242 U. S. 526, 1917.
[84] 153 N.E. 884, November, 1926.
[85] 152 N. E. 461, May, 1926.

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process. In the California case of Angelopoulos v. Bottoroff[85a] it is held that the right to run a restaurant is a property right as distinguished from an occupation or business to be conducted or engaged in as a mere privilege. Hence it is a denial of due process of law to revoke the license to run a restaurant without giving notice and hearing to the licensee.

Presumptions of Criminality. It is well established that the law may create a presumption of criminality provided there is a reasonable relationship between the fact inferred and that from which it is inferred, and provided, further, that the accused is allowed to rebut the presumption.[86] Thus in State v. Fitzpatrick[87] the supreme court of Washington upholds the statute making the possession of burglars' tools prima facie evidence of intention to use them. On the other hand, the Oklahoma statute of 1923 which made the possession of intoxicating liquor by a motorist "on or about his person or in the car prima facie evidence of intoxication while driving" was held to deny due process, since the "inference between the fact of possession and the presumption of intoxication is too remote." This is the case of Simpkins v. State.[88] One presumption cannot be built upon another presumption; and here you must first presume that the driver used the liquor in his possession and secondly that he was intoxicated.

III. PRIVILEGES AND IMMUNITIES OF CITIZENS OF THE UNITED STATES

In People v. Morgan[89] an addition is made to the rather meager list of privileges and immunities of federal citizenship which, under the Fourteenth Amendment, the states are forbidden to abridge. This is the right to drive cattle and other stock across state lines, free from burdensome restrictions. This is also a privilege and immunity of citizens in the several states, under Art. IV, Sec. 2, of the United States Constitution. The Colorado Migratory Stock Act of 1925 defined migratory stock as that which was temporarily kept, driven, ranged, or grazed for not less than ten days from adjoining states. Whenever such stock was driven into the state, ten days' notice had to be given to the sheriff, who must inspect the animals for disease and collect a fee of fifty cents per head for the inspection of cattle and twenty-five cents

[85a] 245 Pac. 447, February, 1926.

[86] Yee Hem v. United States, 268 U. S. 178, 1925; Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U. S. 35, 1910.

[87] 251 Pac. 875, January, 1927.

[88] 249 Pac. 168, September, 1926.

[89] 246 Pac. 1024, May, 1926.

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for sheep and goats. But these requirements did not apply to the owners of lands which crossed state lines, nor to stock owned by residents of Colorado which were ranged part of the year in adjoining states and later driven back in. In short, a different rule applied to residents from that which applied to non-residents; and since in the case of the latter the freedom of movement across the state line was impeded, a privilege and immunity of a citizen of the United States was abridged.

TAXATION

Public Purpose in Taxation. Two cases involving public purpose in taxation may be noticed. In State v. Mayor and Council of Wilmington[90] the supreme court of Delaware invalidated on this ground a payment of $15,000 made by the city to the Volunteer Firemen's Relief Association. Prior to 1921, the various fire companies in the city were private and owned their own property. In that year a department of public safety was authorized by statute, with power to acquire the property of these companies by eminent domain and to make the payment above mentioned to the association in satisfaction of all claims and demands. The court found that while the companies themselves were a benefit to the public, the relief association, being organized to protect the interests of its own members, was not. The payment to it was, therefore, not for a public purpose, but in favor of a private corporation in violation of the state constitution. The Montana case of Mills v. Stewart[91] holds that the state may by statute assume liability for the negligence of its employees at the state university and compensate a student at that institution who suffered injuries from falling down an unguarded elevator shaft. This was not a "donation," but the legitimate recognition of a moral obligation upon the part of the state.

EMINENT DOMAIN

Public Use. The erection of a coal shed for the sale of coal for profit is not a public use for which private property may be taken by eminent domain. This is held by the supreme court of Iowa in the case of Ferguson v. Illinois Central R. Co.[92] Public use, it is pointed out, is not the same as public benefit, but implies a right upon the part of the public to use the property acquired. The railroad commission, therefore,

[90] 134 Atl. 694, June, 1926.
[91] 247 Pac. 332, June, 1926.
[92] 210 N. W. 604, October, 1926.

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could not condemn the rental of a portion of the railroad company's right of way for the purpose indicated.

FEDERAL AND STATE RELATIONS

State Police Power and Interstate Commerce. In the case of Haselton v. Interstate Stage Lines[93] the supreme court of New Hampshire construed the state statute forbidding the transportation of passengers for hire by motor vehicles without the consent of the Public Service Commission as not to apply to interstate transportation. Thus interpreted, the act is held to be constitutional, and such interpretation is necessary in order to save the act under the doctrine of the United States Supreme Court in Buck v. Kuykendall,[94] commented upon in an earlier issue of this REVIEW. In Parkes v. Bartlett[95] the Michigan court passed upon the constitutionality of a statute penalizing the publication of gambling information. The publication of such information prior to the event could be forbidden as a reasonable exercise of the police power; forbidding the publication of similar information after the event was held unreasonable and a denial of due process. The original package rule was applied by the court to copies of newspapers shipped into the state through interstate commerce. After they had been taken from their original packages they were subject to the local police regulations.

State Tax on a Federal Agency. The Texas court of civil appeals held in Grayburg Oil Co. v. State[96] that a state tax of one cent per gallon upon all gasoline sold in the state could be imposed without constitutional objection upon gasoline sold to the federal government upon a military reservation in the state. The tax was in the nature of an occupation tax for the privilege of selling, measured by the gross sales. Upon the purported authority of Metcalf v. Mitchell,[97] the court held that this was no interference with any federal agency or privilege. Since the oil was sold upon the reservation within the limits of the state itself, it was not a tax upon commerce between Texas and any other state or territory. The opinion of the court is not altogether convincing, and the writer ventures some doubt as to whether the Supreme Court of the United States would agree that such a tax does not amount to an interference with a federal agency. The case is certainly a good deal less clear upon this point than Metcalf v. Mitchell.

[93] 133 Atl. 451, May, 1926.
[94] 267 U. S. 307, 1925, commented upon in the REVIEW, vol. xx, page 105.
[95] 210 N. W. 492, October, 1926.
[96] 286 S. W. 489, June, 1926.
[97] 269 U. S. 514, 1926, commented upon in the REVIEW, vol. xxi, page 74.

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State Jurisdiction over Federal Ceded District. An interesting case involving the question of the jurisdiction of the state over persons residing upon federal districts within the state is that of Lowe v. Lowe,[98] a Maryland decision. It is well established that districts purchased within a state by the federal government with the formal consent of the state pass under exclusive federal jurisdiction. Perry Point was thus purchased by the federal government during the war for the manufacture of chemicals. The state of Maryland formally ceded the land. Can the courts of Maryland assume jurisdiction in a divorce action between Lowe and wife, who were never residents of the state and who reside permanently in the ceded district? The court holds that such jurisdiction may not be assumed. Admitting that Congress has provided no law applicable to the case, and that great inconvenience may result from the refusal of the state court to take jurisdiction, the court still finds the state tribunals powerless to afford relief. A strong dissenting opinion points out that the Maryland courts have not followed this rule strictly in the past, that the orphans' courts of the city of Baltimore have continuously probated wills and administered estates of persons resident at Fort McHenry, that the same practice has prevailed with respect to the residents at the Naval Academy at Annapolis, and that no case can be found where residents of such ceded districts have been denied the private laws and remedies of the state courts where Congress has provided no others."

[98] 133 Atl. 729, May, 1926.

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Reapportionment in Illinois. A considerable number of state constitutions limit the representation of the large cities in one or both houses of the legislature. Illinois, however, has been able to limit the representation of Chicago in the face of express provision of the fundamental law to the contrary. The constitution of 1870 not only requires that "the General Assembly shall apportion the state every ten years, beginning with the year 1871," but it specifically enjoins that "no district shall contain less than four-fifths of the senatorial ratio." Both of these provisions have been ignored by the legislature for more than a decade. The legislative and congressional districts have not been changed since 1901, although tremendous inequalities have existed for years. The greatest disparity in population is to be found in districts located within Chicago itself. The largest district is more than five times the size of the smallest. Politically, however, this inequality between individual districts has caused little discussion, because both are in the city of Chicago, and the conflict of interests between the two areas is not sharp. The real problem is the under-representation of the city as a whole. In 1920 Chicago contained nearly one-half of the population of the state, but it is represented by only one-third of the senators and representatives. By 1930 the situation will be much worse.

One of the most significant features of the Illinois situation is the apathy of both Chicago and down state toward it. Although the state should have been reapportioned in 1911, no bill for that purpose was introduced during the legislature which met that year, nor indeed was any introduced for several subsequent sessions. The legislature found it much easier to let the question drift than to take the lead in obeying the constitution. Any reapportionment which could be devised would of necessity consolidate districts so that there would be two or more members for some seats in the next election. One of these would have to retire. Furthermore, some members would surely find themselves in uncongenial districts from which they could not possibly be reëlected. Legislators are not noted for their desire to vote themselves out of a job. As a member of the state senate said while speaking on reapportionment in the last session of the legislature, "this resolution, if passed, means decapitating the political heads of five senators and fifteen representatives, all down state. Who will volunteer to lay his head on the block?"

The rural fear of the city has been another factor delaying reapportionment. The corrupt character of the urban government, the periodic crime waves so effectively advertized by the metropolitan press, the

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large alien population and high percentage of illiteracy, together with the "wet" proclivities of the Chicago electorate have conspired to give the city the reputation of a moral leper. It is furthermore evident that the urban population is not always sympathetic with the economic interests of the farmers. The city man controls the grain market, he demands that milk cows be tuberculin tested, and he has disregarded the health of the farmer by polluting the largest river in the state with his sewage. This apprehension on the part of the rural areas turned into dismay when it became evident that by 1930 Chicago would be in a position to control both houses of the state legislature as well as the governor's chair. The sectional character of the problem is evidenced by the fact that every down-state paper but one has opposed reapportionment, while every paper in Chicago or its suburbs has favored it. The fear of the city is so strong that even those legislators whose districts would gain by a redistricting have often refused to support it for the sole reason that the Chicago districts would gain more.

The people of Chicago have been much slower to awaken to their interests in this respect than have the farmers. There was little evidence of any decided opinion on the matter until the proposed constitution submitted in 1922 was overwhelmingly rejected, partly because it limited the representation of Cook county in the state senate[1]. Even at the present time, the city is by no means a unit in demanding additional representation. Many people feel that the city sends a distinctly poorer group of legislators to Springfield than does the rest of the state. Others fear that the prohibition forces would be weakened; and on the same general theory the "wets" of Chicago are favorable to the redistricting proposals. The actual effect, however, would probably be much less than is anticipated by either the Anti-Saloon League or its opponents. Reapportionment would increase the power of the suburbs at the expense of the foreign wards. It is quite possible that the city might send a higher type of legislator to the capital if it were permitted to send more of them. The prohibition forces are not the only ones in Chicago who are lukewarm on this question. The interests which rely on lobbying for protection are naturally wary of any scheme which will upset the status quo. Although organizations of business men generally give lip service to reapportionment, beneath the surface they are frequently divided on the question, if not in fact hostile to any change. Even the labor group, which would seem to gain

[1] "Illinois Rejects New Constitution," *American Political Science Review*, XVII, 70 (Feb., 1923).

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in strength by the reform, has failed to press the matter with any vigor.

The chief organized forces behind the movement for a fairer representation are the political parties themselves. The reason is, of course, purely political. Chicago pays more than two-thirds of the taxes of the state, but only a fraction of the money collected is spent in Cook county. This means that the patronage of the state to which the Chicago legislator can lay claim is small. If the city could control the legislature, this situation would undoubtedly be changed. Local politicians also favor reapportionment, in the hope that they may be able to raise the bonding limit of the city if they can control the General Assembly. This would give them more plums to distribute. Local slate-makers look longingly at the additional seats they might have for their henchmen. Besides, "Chicago's enslavement" is a splendid straw man for political orators to demolish. So willing are these politicians to protect Chicago's interests that they voted $5,000 from the county treasury to pay lobbists at Springfield—payment, however, being made contingent on the appropriation of double that amount for the same purpose by the city council!

The political character of the demand for reapportionment appeared clearly in the session of the General Assembly which closed in June. Nearly a dozen bills and resolutions were introduced dealing with the problem. Only two of these were reported out of committee, and these were merely resolutions, the passage of which would not have changed the existing situation. The first resolution provided for a joint committee of twelve members to draw up a reapportionment scheme It was fathered by a prominent down-state senator in an attempt to further his aspirations for an important state executive office by currying favor with the Cook county voters. The resolution passed the senate by the narrow margin of 25 to 24, but encountered still greater opposition in the house. Every means of delay which could be used was brought into service against it. For several days the chairman of the committee, which had reported it favorably, refused to present it to the house because he disagreed with the report. Two months after the senate had approved it, the resolution was defeated in the house by a vote of 81 to 64. In both houses the Cook county delegations voted solidly for redistricting, although it was evident that if a bill were actually passed a number of Chicago legislators must lose their seats. Their party organizations had cracked the whip and forced them into line.

The second resolution proposed a constitutional amendment limiting the number of senators from Cook county to the number it now has,

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but providing representation according to population in the house of representatives. It was looked upon as the down-state solution to the problem and had the support of the Illinois Agricultural Association. The senate did not act on this proposal until three months after the first one had been considered. It was carried by a vote of 35 to 8, with seven Cook county senators and the father of the first resolution voting "aye." In the pressure of business at the end of the session, this second resolution was overwhelmingly defeated in the house, with very little discussion. Even if it had passed the legislature, it would have needed to pass a referendum, because it involved a change in the constitution. This is virtually an impossible hurdle for any constitutional amendment in Illinois.

The last session of the legislature did more toward arousing Chicago opinion on the dangers of the present situation than years of quiet discussion in clubs and lectures could have done. More than thirty editorials on the subject have appeared in the metropolitan press. The debates in the state senate on the subject were fully reported by the chief newspapers. A new propaganda organization has been effected and has collected a considerable campaign fund. More important than the press or propaganda agencies was the action of the legislature itself. A number of bills were introduced which were aimed directly at some of the city's most vital interests. A bill for a new gasoline tax became law and will raise large sums from the Chicago motorist for the benefit of down-state road-building. An income tax measure would have raised more money from Chicago for the benefit of the state. Stringent regulation of the Board of Trade was proposed, with the effect of arousing the business interests. Finally there was a brazen attempt on the part of certain interests in the legislature, aided by a powerful utility lobby, to force the city to grant a perpetual franchise to the traction lines. The narrow margin by which some of these measures have been passed and others defeated, usually by a strictly sectional vote, has greatly emphasized the division of interests between the city and county. Some Chicago senators, upon pressure from the political interests, traded their support on the gasoline tax bill for down-state support of a bill raising the assessed valuation in Chicago to one hundred per cent. This increase of valuation was desired to permit the city to float additional bond issues. The awakening which has resulted from the work of the last legislature is encouraging, though it came too close to the end of the session to affect materially the reapportionment situation this year.

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Unfortunately, the reapportionment movement lacks a vigorous leader. There is a serious division among those favoring redistricting, due partly to personal considerations and partly to differences of opinion as to the best method of procedure. One group would resort again to judicial coercion of the legislature. Last year the supreme court of Illinois refused to issue a mandamus ordering the legislature to convene and reapportion the state, on the ground that the separation of powers prevented the issuance of that writ against a coördinate branch of the government. Some feel that this does not exhaust the possibilities of judicial action, for the court distinctly stated that the duty of the legislature to reapportion the state "is clear and unmistakable."[2] Most authorities, however, are very skeptical in regard to the availability of such methods of action as quo warranto, stoppage of salary payments, prosecution for violation of oath, or questioning the validity of acts passed by a legislature supposed to be unconstitutionally chosen.[3]

Another group seems to trust to the ability of public opinion to force its way, with the assistance of a little lobbying. This group is in great danger of being made merely the pawn of the political party organizations, which will use their campaign funds for the party interests and in the end accomplish nothing. Another element favors the formation of a city bloc in the legislature and the election of a resident of Chicago as governor. This could easily be done if both the major parties would combine to accomplish it, but at the present time the public is not sufficiently aroused to force them to do it.

What is most needed, therefore, is a continuing campaign of discussion and agitation. The large metropolitan dailies are all sympathetic toward the movement, and there seem to be plenty of sources from which funds for it can be secured. There is great danger that the matter may be allowed to rest, now that the legislature has adjourned—which will only mean that the whole work will have to be done over again at the next session. Unless Chicago makes a determined effort to rectify the situation, the rotten boroughs of Illinois will be as secure as the rotten boroughs of England during the Napoleonic era. If relief is obtained, it will probably come only by the use of the same methods that were employed in those days.

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[2] Fergus v. Marks, 324 Ill. (1926) 513.

[3] Ernst Freund, "Reapportionment in Illinois" (Reprinted from the *Chicago Daily News* by the Illinois Apportionment Committee).

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The Voting Machine Extends its Territory.[4] The most important development in the history of the voting machine during the past three years has been the successful consummation of the efforts to compel its use in New York City. In spite of ingenious legal tactics to prevent their acceptance, enough machines were used in the elections of 1925 and 1926 to furnish a thoroughgoing demonstration of their possibilities. Their success was so evident that all outspoken opposition to extension of the machines throughout the city has practically disappeared. The two largest boroughs, containing two-thirds of the voting population, will be entirely equipped in time for the elections this fall. The remaining boroughs will be equipped as rapidly as the manufacturers can supply the required machines. The voting machine has ceased to be an issue in New York City. The case has been definitely won.

The example of the largest city in the country has naturally caused widespread interest elsewhere. Arkansas[5] and Arizona[6] have given legislative sanction to the use of voting machines, and Pennsylvania and Rhode Island have legislation pending. In Ohio, Oklahoma, and Tennessee bills were introduced but failed to pass. Informal interest has been displayed in Alabama and New Jersey.

In those states where machines were already authorized their use has been further extended. In the state of New York, Albany and Kingston have fallen into line. With their recent introduction into New London, all the large cities in Connecticut are now equipped, as well as two of the smaller municipalities. In Iowa, Fort Madison and Cedar Rapids have been added to the users. Preliminary steps to secure the introduction of machines have been taken in Los Angeles, California; in Portland, Oregon; and in Baltimore and Frederick, Maryland.

New York City. Almost the first act of the Republican attorney-general of New York State on taking office in 1925 was to demand that the board of elections of the city approve voting machines, in accordance with the 1922 statute which had ordered their gradual installation throughout the city. Since the deadlock in the board continued, however, he applied for a writ of mandamus. This was denied by Justice

[4] This note brings to date the earlier history of the voting machine as presented by the author in a pamphlet entitled "The Voting Machine; Report on the History, Use, and Advantages of Mechanical Means for Casting and Counting Ballots," published in January, 1925.

[5] Act No. 136, 1927.

[6] Chap. 68, Session Laws, 1927.

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Lazansky, on the ground that the legislature had called for a gradual installation of the machines with complete equipment in 1924, and that, the time having passed, it was contrary to the intention that the city should be called upon to purchase and pay for the entire number at one time. This decision was upheld by the Appellate Division. The attorney-general then asked the Court of Appeals to state specifically what course should be pursued to install the machines. The opinion indicated that action lay with the secretary of state, who had been empowered by the statute to act if the board of elections failed to do so.

In the meantime a bill had been introduced in the legislature by a Republican member from New York City to provide that the secretary of state should purchase and install machines in all first-class cities (those having more than 175,000 population) in which they had not been adopted, purchased, or delivered prior to May 1, 1925. As Buffalo and Rochester had been using machines for over twenty-five years, this applied to New York City alone. To prevent the local administration from obstructing the enforcement of this law, as it had obstructed the earlier measures of the same character, the state comptroller was authorized to pay for the machines if the city failed to make an appropriation for the purpose. The money thus expended was to be deducted from the city's share of the state taxes. The bill was passed by the legislature by a party vote of 90 to 50. It was vetoed, however, by Governor Smith, who said: "The question does not arise before me as to the wisdom or otherwise of substituting voting machines for the present paper ballots." He considered the proposed law "a wicked precedent" for the handling of finances and doubted the constitutionality of a measure permitting the comptroller to pay out money as proposed.

After the failure of the bill, action was taken as advised by the court. Mrs. Knapp, the secretary of state, made a contract with the Automatic Registering Company, whose machine had been adopted in the 1921 proceedings, for seventy-five machines to be delivered in time for the 1925 elections. When the first ten machines arrived, the board of elections refused to take charge of them or to arrange for their storage. As an excuse it revived the charge that the machines had been produced by non-union labor. On the advice of the corporation counsel, however, the board later received all seventy-five machines and installed them in the 15th assembly district. It reserved payment, however, until the legality of the contract made by the secretary of state should be determined.

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The comment which appeared after the use of the machines in the election was decidedly favorable. The advantages proved precisely as had been predicted and won the support of some who had formerly been opposed. The Democratic chairman of the board of elections, a nonogenarian, repeated his former objections—that there was no assurance to the voter that his vote was effective as he intended, which, of course, is at least equally true in the case of paper ballots. Two other objections raised were that the Socialist levers, being below the Republican names, might be used in error instead of the levers for Republicans, and that there were thirty-two knobs for constitutional amendments, of which there were only four to be voted on. The former objection was answered by an examination of the results, which showed no undue number of Socialist votes. The latter could easily be eliminated by covering or removing the superfluous knobs. Except for these objections, there was nothing but praise.

Early in 1926 the secretary of state placed a contract for 3,000 machines to complete the installation. In June a taxpayer's suit was brought to enjoin the carrying out of the contract, on the ground of illegality and waste of funds. The suit was backed by the Shoup Voting Machine Company, a rival manufacturing concern whose machine had been favored by the chairman of the board of elections although none had ever been manufactured or tested by actual use. The charge was that fair competition had not been allowed and that the price of the machines ordered was excessive. The injunction was granted by Supreme Court Justice Crain on August 23. On appeal, however, the Appellate Division reversed the findings in a unanimous decision handed down on October 13, and supported the contention that since Mrs. Knapp was acting as a state official she was not bound by the provisions of the New York City charter and that no fraud in the letting of the contract appeared. Although there were further threats of appeal from this decision, the machines were delivered and installed in 616 election districts and used in the election on November 2, 1926. Payment was also finally made for the seventy-five machines used in 1925.

The experience in 1926 was highly satisfactory. None of the difficulties forecast were in evidence except in isolated cases, where they were easily remedied. Comment was favorable, even enthusiastic. Editorials, even in papers that had previously regarded the machines somewhat coolly, expressed approval. It must be said that their use appeared to make little difference in the election results. The Republicans, who had been their staunch advocates, found that they gave no favors to their

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party; and the Democrats found nothing adverse. There was no revolution in voting habits, but there was a decided satisfaction with the ease and efficiency of the voting machine method.

Economies from the use of voting machines are already appearing. The city budget for 1927 shows that a reduction in the pay for the four election inspectors in each of the 616 districts already equipped from $15 to $10 on election day, and the elimination of the clerks, both called for by law, have reduced the appropriation necessary for salaries by about $20,000. The cost of supplies was $115,000 less than in 1924. Plans have been announced for reducing the number of districts in the boroughs where equipment is to be completed, to take advantage of the provision allowing 600–700 voters where one machine is used as against 450–600 with paper ballots. In 1926, districts in Manhattan averaged less than 400 and those in Brooklyn about 440. It was planned to reduce the number in these two boroughs from 2,188 to less than 1,600.

As a result of the opposition of Democratic politicians, the reduction will not be as drastic as was hoped for. Nevertheless it has already been decided that in Brooklyn the reduction will be from 1,071 to 917 districts, for both registration and election, though not for the primaries this year. This will mean, as against the allowance required for the last election, a saving of $61,000 in salaries of election officials for this one borough alone. It is offset to some slight extent by the allowance for custodians and instructors. A much greater saving in supplies will doubtless accrue, as well as in rent cost because of the fewer polling places needed. The opposition to greater reduction in the number of districts took the form of a plea that it was against the convenience of the voters. The secretary of the board, however, who is a Republican, pointed out that 700 persons had voted without difficulty on one machine used in 1925, and that in other cities larger numbers had been accommodated. When the redistricting has been completed it will be possible to compute the real economy, as well as the efficiency, in the use of machines.

States Where Introduction of Machines is Probable. In Pennsylvania, after the notorious election of 1925, the subject of election reform was made a topic in the call for a special session of the General Assembly in January, 1926. At the same time a Committee of Seventy-six was appointed by the governor to report election abuses and recommend methods of overcoming them. This committee made twelve recommendations, the sixth and seventh of which referred to voting machines: (6) Permission for the optional adoption of voting machines by townships,

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boroughs, or cities; (7) Permission (by constitutional amendment) for legislation requiring the use of voting machines in cities or classes of cities, without imposing a similar requirement upon other parts of the state.

The necessity for the constitutional change was based on the fact that, while the Pennsylvania constitution was amended in 1901 to permit "such other method as may be prescribed by law; provided that secrecy in voting be preserved," it had been impossible to introduce voting machines into any municipality without introducing them throughout the state because of prohibitions against local or special legislation. Previous efforts to change this situation had been ineffective. The 1926 legislature, however, although defeating all other bills embodying the committee's recommendations, passed the constitutional amendment to authorize the use of machines in certain cities. This was again passed at the 1927 session, and it will be submitted to the people at the time of the presidential election in 1928.

An exceptionally close election in Providence, Rhode Island, in which the result was in doubt for several days, brought the matter up in that state. After recounts which disclosed many errors and occasioned much argument regarding validity of markings, the Democratic candidate for mayor was declared elected by a majority of 200 out of a vote of 57,000, while the state senator won by an even smaller margin of eighteen votes. There was no suspicion of fraud, but merely the annoying uncertainty due to difficulties necessarily attendant upon counting paper ballots. During this period of doubt a bill was introduced in the common council of the city calling for an investigation of the advisability of adopting voting machines. This suggestion was seized upon by the papers, and met with considerable favor. It was called to mind that although Rhode Island had found previous experience with the machines so unsatisfactory that they had not been used for many years, and the law permitting them had been repealed in 1921, vast improvements in the design of voting machines had been made since the early ones were bought. The result was that a bill which would again legalize them was introduced in the 1927 legislature. It is expected that it will pass at the next session.

Unsuccessful Efforts in Other States. In Ohio a legislative committee appointed at the session of 1926 to consider changes in election methods took up, among other matters, the use of voting machines. In view of the decision of the Supreme Court that machines were unconstitutional, it was felt, however, that no immediate action was possible until this

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difficulty was overcome. In the 1927 legislature a bill was introduced to amend the consitution so as to permit their use; but it was not adopted.

A local bill was introduced in the Tennessee legislature during the last session to authorize the use of machines in Nashville. It was advocated by the governing body of the county in which Nashville is situated, and was supported by the newspapers and a number of organizations. The bill was passed once, but was later recalled and tabled, apparently because of political considerations. In Oklahoma, likewise, a local bill to permit the installation of machines in Oklahoma City was favored but failed of final passage.

Present Status of Voting Machines. At the present time, therefore, machines are authorized in nineteen states, with the strong probability of the addition of another, Pennsylvania, during the next year, and the possibility of two or three others shortly. Actually, however, they are used in only nine or ten—New York, Connecticut, Washington, Indiana, Iowa, Michigan, Wisconsin, Minnesota, Montana, and California. In each of the last two, moreover, they have been installed in only one county—Silver Bow in Montana and San Francisco in California.

With their installation in New York City, New York leads in the number of machines used and the percentage of population served by them. According to the New York State bureau of municipal information, there are now only three cities and four first-class villages in the state which do not use voting machines. The population of those equipped or soon to be equipped is about nine millions, or more than eighty per cent of the total population of the state. The recent installations in New London, Southington, and East Lyme, Connecticut, have increased the population served in that state to nearly a million, or approximately two-thirds of the total.

No new cities in the state of Washington have actually installed machines since 1925, when it was estimated that approximately fifty per cent of the population, in sixty-nine communities, was served by them. It is said that several cities in this state are considering their installation in the near future. Nor have any additions been reported from Indiana, which probably ranks second to New York in the population of municipalities using the mechanical ballot. There are 200 of these, though they are in only twenty of the ninety-two counties. However, as machines are mandatory in counties containing a population in excess of 36,000, this means the inclusion of practically all the largest cities, with an aggregate population somewhat under 1,500,000. In Iowa, Fort Madison and Cedar Rapids have been added to the list of

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users, which in 1925 comprised twenty-seven of the ninety-nine counties of the state. Recent information furnished by auditors of three counties adds to the testimony as to economies effected.[7]

Voting machines are used in only five of the eighty-three counties in Michigan. Of the 214 machines listed in a survey made by the bureau of government of the University of Michigan[8], forty were in rural communities in Bay County, where they have been in use since 1908, and eight had been in Washtenaw since 1907. More than half of the others were in Grand Rapids, which installed them in 1922, and the rest had been installed in Muskegon county in 1923 and in Saganaw county in 1924. A large number of cities reported that they used machines about twenty years ago but had since discarded them. These were, of course, the older type of machines without the advantages of improved models. The city of Lansing used voting machines in the spring election of 1926, but the proposition to purchase fifty machines, when submitted to the voters, was defeated, even though the experience of the city with machines appears to have been satisfactory. Detroit remains unconvinced.

In Wisconsin some of the older machines are still used in South Milwaukee, Fond du Lac, and Oshkosh, although changes in the requirements of election laws have nullified the advantages of their use. They have been discarded in nearly all other places in that state, as well as in Minnesota, where a similar situation exists.

In the other nine states where they have been authorized—Massachusetts, Illinois, Maine, New Hampshire, Virginia, Arkansas, Arizona, Oregon, and Maryland—no machines have as yet been introduced. In the last two, as mentioned above, a definite interest in securing them for the largest cities has been manifested.

Conclusion. In the light of its recent history, it will be difficult to raise any further questions regarding the mechanical efficiency of the voting machine and the ability of the voters to use it. The only improvements of any importance which may be looked for in the future are refinements intended to convince the individual voter that his vote is being registered in accordance with his desires and to furnish a printed record of the vote for each candidate. Further extension, it appears, will depend upon the suitability to the form of ballot required by the election laws and financial considerations. It must be admitted that machines

[7] *American City Magazine*, Dec., 1926, p. 802.

[8] James K. Pollock, "Use of the Voting Machine in Michigan," Bulletin No. 5, 1926.

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are hardly adapted to certain types of voting, such as the preferential ballot. Cumulative voting and proportional representation, even if it were possible to develop machines to permit them, would require exceedingly cumbersome, and hence costly, models. Such obstacles as these, however, exist as yet in comparatively few parts of the country.

It is the financial problem that is the determining factor in most instances. The initial cost of the machines is considerable, and the immediate burden is likely to be felt. Frequently the officials responsible deem it unwise to recommend such an expenditure, certainly unless they are able to promise equivalent savings to offset it within a short time. That is the final proof which New York City has yet to furnish. Voting machines can be a source of economy wherever the laws governing their use are framed so as to take account of their possibilities. Only in sparsely settled communities containing a single election district each are such economies impossible. It is questionable whether the machines will to any extent supplant paper ballots in such communities, especially if the cost of installation must be met locally.

In some communities which have begun to consider voting machines seriously the opposition is of a political nature, as it was in New York City. Just as in that city, however, it seems probable that the political machine can retain its hold as readily under use of mechanical voting methods as under any other form. As soon as politicians learn that such is the case, and when they come to feel that they can prevent the reduction in the number of districts which the use of machines makes possible, their opposition will cease.

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NOTES ON POLITICAL DEFINITION AND METHOD

The Psychological Nature of Political Structure. There is something in the trend of modern learning that impels scholars to look beyond the confines of their traditional subjects. Researches are discrediting the barriers of definition set up between classes of natural phenomena. Loss and error are seen to result from the attempt to formulate and pigeonhole the facts of nature in the specialized laboratories and archives created by man. For nature unfolds itself to the self-effacing inquirer, not as a series of 'orders,' 'realms,' or 'classes,' but as a continuum. There are no definite lines between the various natural sciences; and there is probably no break even between the natural and the social sciences.

In this general broadening movement the political scientist and the psychologist have learned much from each other. The psychologist has found that there are political concepts, movements, and institutions which throw light upon the behavior of man in his social group and reveal for investigation a large array of facts which within the walls of the psychological laboratory would have remained undiscovered. Conditions of environment which we call political develop and exhibit human nature in a light in which it could not otherwise be seen. The political scientist, in turn, has acquired a new insight into many of his problems. The intelligence and political capacity of the electorate, motive or lack of motivation in voting, stereotyped attitudes, biases, party leadership, election propaganda, and the measurement and control of public opinion —all have received illumination from the viewpoint and technique of the psychologist.[1]

Helpful as these mutual contributions may be, they do not represent, in the writer's opinion, the ultimate rapprochement between psychology and political science. The psychologist has assumed the mold or structure of political institutions as a given condition. Into this configuration he has, through the study of individual capacity and motivation, injected a dynamic element which heretofore was lacking. But he has not yet turned his attention to the political framework itself. For, when closely considered, a constitution, a court, a parliament, or a cabinet are not merely descriptive categories to be personified, endowed with functions or powers, and used as classifications for the student of comparative

[1] A more comprehensive outline of the relation between psychology and political science will be presented by the writer as a chapter in "The Inter-relations of the Social Sciences," edited by W. F. Ogburn and A. Goldenweiser.

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government. Such a treatment of structure can be maintained only in the academic isolation of a rapidly passing era. If these structures are to be regarded as a part of the natural world, and amenable, like the rest of nature, to scientific study, they must be reinterpreted in terms of the concrete experiences with which natural science can deal. It is the purpose of this article to show that, in such a process of reinterpretation, psychology as a method and point of view can be distinctly helpful.

The social or political order rests fundamentally upon stable, common, and reciprocal ways of behaving in the stock situations and relationships of life. All citizens react in practically the same manner with reference to a policeman, a traffic signal, a tax collector, or the exchange in labor or commodities which they expect for a dollar bill. Not only does each respond in a regular and predictable manner toward such objects; but each knows that others may be depended upon to behave in the same way. Social organization, and the rise of political and economic institutions, are thus made possible. It might even be said that these common habits of response underlying ordered relationships, considered together with their appropriate stimuli, *are* the institutions of society. Political structure resolves itself psychologically into predictable political behavior.

But what, one may ask, do we mean by "political behavior"? Our first recourse is to fall back upon a more clearly defined concept, namely, "*social* behavior." The latter may be defined under two categories as (a) behavior through which one individual stimulates another (language, gesture, etc.), or (b) behavior which is a response to such stimulation from others. Political behavior would seem to represent a limited portion of the field of social behavior. It might be tentatively defined as the making of, and responding to, *political* stimuli, the latter being regarded as a special sub-class of social stimuli. This definition at once raises a question, the answer to which will throw the whole problem into the sharpest relief, namely, "What is a political stimulus? And how is it to be distinguished from social stimulation in general"?

The clearest method will be to start with an illustration. Let us take, for example, the promulgation of a law, or a command spoken by a constituted authority within his field of jurisdiction. In so far as this is simply a case of one man speaking, and others reacting to his words, it represents an instance of social stimulus. When, however, we add the notion that it is a "constituted authority speaking in the field of his jurisdiction", the situation represents what may be called, for practical purposes, a political stimulus. We may be challenged at this point,

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however, with lack of precision in our use of the word "stimulus." Properly defined, this term means an energy-source producing changes in sense organs, which, in turn, through conduction, initiate a motor response. But in this case the energy-source (i.e., movement of the vocal organs of the ruler) is of exactly the same character whether we regard his command as the words of one man to another or as those of a "constituted authority in his field of jurisdiction." The actual words of the command do not constitute a political stimulus, since if spoken by another person they might evoke an entirely different response, or, indeed, no response at all. Nothing which could be called "political" would result from such a situation. On the other hand, it is not the person, the speaker himself, who is the political stimulus; for if he uttered other commands, for example, in the realm of religion or private individual liberties, the response would again be different or totally lacking. It is not even the combination of the person of the ruler and these particular words; because in order to be effective the words must be spoken at the proper time and place, with the proper surroundings, and to his own subjects rather than those of another ruler.[2] This whole set of conditions may be summed up under the original phrase, "a constituted authority speaking within his field of jurisdiction." But this phrase represents a situation involving not only the stimulus but the individual who reacts. It is a *total situation* and not a stimulus. As indicated above, the meaning of "stimulus" is wholly objective, and apart from those mechanisms of the individual which respond to it; whereas, in the present example, the facts of "authority" and "field of jurisdiction" are not objective and in the ruler himself. They are to be found, rather, in the submissive attitudes of individual citizens whereby they accept a written statement (constitution) that a stated official (the ruler in question) is to be obeyed in certain matters (field of jurisdiction). "Constituted authority" is an attribute, not of the stimulus, but of the reactors. A king, in brief, is only a man. His kingship lies in the attitudes of individuals who respect and obey him.

The same analysis applies to certain stimuli which are, properly speaking, non-social, yet which evoke behavior commonly called political. The "stars and stripes" carried in a parade is a stimulus which causes

[2] The entire situation necessary to render this act a "political" stimulus might be regarded, in terms of the modern *Gestaltpsychologie* as a "pattern" or "structure" which is necessary before any of its parts can have significance, and which is therefore in a sense more real than any of its parts. The behavioristic analysis which follows shows another way out of the difficulty.

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the average male American spectator to remove his hat. The same flag and procession would probably evoke from an Australian Bushman only the response of staring. For the American it is a political stimulus; for the aborigine it is not. The word political thus applies properly, not to the stimulus, but to the character of the response.

We dwell upon this distinction because it is in sharp contrast with the customary view. By many persons, scholars as well as laymen, the "law," the "state," and the "nation" have been treated as objectively existing groups or structures which are thought somehow to control and direct the actions of individuals. They are, in other words, conceived as stimuli. To regard them as such, however, in the light of the preceding discussion, is a fallacy. A citizen does not react to the law as a stimulus, nor is he controlled by the law, in any behavioristic sense. He reacts rather to the verbal stimulus (the so-called "legal code") in such a way that his overt behavior conforms with those verbal specifications. But the words of the legal code are not "the law" in any institutional sense. If every resident of a city who owned an automobile were suddenly to adopt the practice of parking his car at any point, in complete disregard of city regulations, the parking law would at that moment cease to exist except as mere phrases printed in municipal records. Apart, therefore, from printed copies of statute books and the tools of enforcement, "the law" really exists, so far as a scientific view is concerned, only in the attitudes of the individuals who accept it. Their habits of conformity to verbal code constitute the law. Individuals react, therefore, not so much *to* the law, as *with* the law.[3] Similarly, citizens do not react toward the welfare or honor of their nation, but *with* those nationalistic attitudes in terms of which alone the reality of the nation is to be scientifically conceived.

The psychologist thus reverses the telescope of the social scientist. Instead of standing at the center and looking outward upon the social cosmos as a great super-individual entity, he stands upon the periphery and, looking inward, sees nothing but individuals. He sees them, of course, behaving in many regularized and predictable ways, each seeming, moreover, to be conscious of his fellows and anticipating that they also will act in certain definite ways. These regular and mutually expected ways of behaving represent to the behaviorist that which the sociologist and political scientist speak of as "institutions." Sociologists consider institutions as having a structure; and the inter-relations or

[3] The word "with" is here used in the sense with which we say a man lifts a stone "with" his hand.

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pattern of institutions is said to make up the structure of society. The notion of social structure is, however, from the psychological standpoint, reducible to common and reciprocating attitudes of individuals and variations in such attitudes as to both content and degree of generality. Political psychology, therefore, implies the reformulation in terms of natural science of the very framework of earlier social thinking and investigation.

We cannot here attempt this reformulation in any detail. It must suffice merely to mention as examples a few of the more essential problems. The following groups of questions might be fruitfully investigated by studies among widespread samples of the population: (a) What is the nature of "the state" in terms of the behavior attitudes, both as to the content of these attitudes and their distribution and significance in the life of the individual? How can we measure, in terms both of extensity and intensity of obedience, the political "power of an office," and the power of an office-holder as distinct from the power of his office? (b) Can we secure a quantitative psychological index of obedience to laws, and to "the law" in general? Can we discover the extent to which disobedience to one law becomes transferred to other laws? (c) In what sense does representative government really represent individuals? If it can represent only one common segment (or alignment) of behavior, what particular segment should be selected (geographical allegiance, trade guild interest, economic status, etc.)? Is it possible to adjust such segmental representation to the needs of the human organism as a whole? (d) What is a party machine? Into what psychological components can it be analyzed (e.g., loyalty, identification and self-elation through belief in the "group reality," control by leaders through symbols and institutional habits)? (e) What is the nature of social control? Who or what controls individuals, and how are they controlled? What do we mean by the supreme control, or sovereignty, said to be vested in the state? (f) What do we mean by a conflict between groups or institutions; for example, between capital and labor, federal government and "states' rights," the church and the state? How do the attitudinal factors in these cases really operate; and how can they be measured, predicted, or controlled? Investigations of this character, though necessitating a new approach and a new technique, will materially assist in developing a *natural science* of political phenomena.

One of the most promising directions of inquiry should be the study of the origin and development of political structures. Our search should be directed, not to earlier social institutions, but to individual behavior

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in fields in which such structures either are absent or appear in an inchoate form. Such fields are the social adaptations of the lower animals, the human infant and child, and primitive peoples. We may view governmental organization behavioristically as a set of habits (common segments) which individuals have acquired in the process of living together (that is, trying to live in an environment where one individual satisfies his life needs largely through contacts with other individuals). Such political habits were probably improved slowly through trial and chance success and inculcated in succeeding generations for a very long time before law-making became consciously deliberate or verbalized. Many pertinent and careful observations already exist concerning the institutional behavior of animals and groups of children at various ages. The collection and study of these should be helpful to the student of political behavior.

Not only the origin of institutional attitudes, but their transmission to younger generations, constitutes a theme for psychological study. Insufficient attention has been given by educational psychologists and sociologists to the stages through which children learn to behave after the manner of their group. What does a policeman, a senator, a warship, or the American flag mean to children at different age-levels? To what extent do attitudes toward parents become transferred as political behavior to the mayor, the public judge, and the president? What integration takes place between the pattern of personality in each individual and the political habits which he must learn? What, in other words, does politics mean to individuals who are developing different means of self-expression? The study of these questions would teach us much concerning the institutionalized attitudes of adults and the possibilities and limitations of citizens in regard to public affairs. Since institutional habits are learned and become automatic very early in life, they are given little or no thought by the adult. He is no more conscious of his deeper political attitudes (i.e., the state) than he is of his habits of dressing and undressing; yet both are truly a part of his organism. Our behavior toward government thus becomes passive, not participant; we accept the state as a thing existing independently of and above the heads of all the citizens. A genetic study of government as a part of the behavior of specific individuals would help to dispel this fallacy.

Finally, we may mention the value of the psychological interpretation of structure with reference to future adaptations. Cultural conflict and assimilation can be illuminated by considering cultures, not as objective patterns, but as different sets of habits (ways) for doing, in general, the

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same sort of things. Habit interference and transfer of learning thus emerge as concepts useful for an experimental approach. A similar treatment applies to nationalism and to international conflicts. A number of writers have found that the most universally valid criteria of nationality are psychological. In order to distinguish one nation from another we must look at (or within) the behavior of individuals. Speaking scientifically, the reality of the nation is a matter of the habits and attitudes (common behavior segments) of individuals living within certain boundaries, as evoked by certain common stimuli. Such stimuli are commonly called "national symbols;" but the meaning "national" lies, as previously shown, in the response rather than in the stimulus. If "the nation" is a term used to denote a certain common segment of the behavior of individuals within a designated area, then the relations between nations must be the relations between individuals possessing one type of nationalistic segment and the individuals living in a different region and having another national segment.

Ever since the rise of nationalism these fundamental relationships have been obscured by the attempt to formulate them as relations, not between individuals, but between nations or states. The notion of the individual has been used merely as a personification of the alleged entity, the nation or state. This metaphor gives the appearance of verbal precision, but it is often dangerously misleading. Where it is used to indicate that an act is being carried out by a group as such, in contradistinction to individuals—that is, where the institutional attitudes of individuals are abstracted from the organism and set up as entities in themselves—we may speak of it as the *institutional fallacy*. It is an error which not only has long confused social thinking, but through maintaining nationalistic formulae in human minds, has played a part in the causation of wars.[4] Nationalistic attitudes prevent a realistic orientation to delegates upon a league of nations, and distort the proper conception of the function of such league-members. These delegates should be thought of as representing, not a nation, but individuals living within a recognized boundary, and having a common segment of nationalistic behavior. They are to be regarded, not as exponents of national ideals or national sovereignty playing for international recognition, but as expressing the actual attitude of their constituents. Their work should be to discuss, in a face-to-face manner, the adjustment of disputes and problems arising between

[4] The militaristic consequences of this fallacy have been discussed by the writer in an article entitled "The Psychology of Nationalism," *Harper's Magazine*, August, 1927.

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individuals of one area and nation-symbol and those of another. They should comprise, properly speaking, not a league of nations, but a "league of nationals."

If the preceding observations are well founded, the psychological approach will provide a deeper understanding of the very mold in which political action is cast. Leadership, social movements, public opinion, discussion, legislation, foreign diplomacy—all activities through which government is conducted—are phases of human behavior. But more than that, government itself is behavior. As the substance of social structures or institutions, it is a behavior of a different sort from those more sweeping and spectacular processes mentioned above: it consists of older, subtler, stabler, and more generalized attitudes. But it is, none the less, behavior. The recognition of this fact, moreover, has important implications both for social theory and for social experiment.

The detailed methods which may be used for the investigation of this field the writer cannot at the present demonstrate. The future may hold in store the development of a psychological technique for revealing the nature, strength, and distribution of institutional attitudes upon samples of the population at large. There is nothing inherently impossible in this problem. Attitudes, both as affective beliefs and motor sets, have long been studied in the laboratory. The major needs of methodology are a set of criteria for sampling, more precise systems for the quantification of attitudes, a means of gauging their relative strengths or action-tendencies, and some statistical device for the treatment of distributions of a non-probability type. Beginnings have been made in all these lines of research; but the true test of their ultimate limitations and possibilities lies wholly within the future.

Our present purpose has been merely to call attention to the essential identity in which are embraced the facts of psychology and of political science. We have sought to show that social data can be perceived in their full reality only if viewed as part of the larger scheme which effaces the barriers between natural and social science. Many will continue to believe in the existence of political facts *per se* and in an order cast entirely in terms of political and social entities. Perhaps they are right. Others, however, may choose to abandon the structural view as descriptively possible but barren of promise for deeper understanding, prediction, or control. It is to these that the reformulation of political structure here described may carry the suggestion of a method for future research.

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The Identification of Blocs in Small Political Bodies. Methods have been devised for the quantitative measurement of voting behavior in legislative or other bodies, and in parties or blocs within such bodies. The writer has elsewhere proposed for this purpose an Index of Cohesion within groups, and an Index of Likeness between groups. Both provide a scale between 0.0 and 100.00. The first will express by a single number the extent to which the members of a group vote alike among themselves on a given roll call, or any collection of roll calls. The second, similarly, will express the extent to which any two groups within the same body are alike in their votes. For example, it was found upon what types of measures farmer and workingmen legislators, respectively, tended to agree among themselves; also, upon what types of measures farmers and workingmen were in agreement or disagreement as between the two groups.[5]

For the use of these indices two conditions only are in practice required: (1) The votes of individuals must be recorded. This requirement is met in certain stages of the work of most legislative and administrative bodies, although by no means in all, even of American legislatures. (2) Supplementary information must be available, permitting the classification of the membership into the desired sub-groups. In the case of the members of a state senate, for example, it is usually possible to learn from documentary sources the party affiliations, the occupations, and the types of communities in which the members reside. It is sometimes possible to determine various social and economic characteristics of the legislative districts from which the members are elected. Using any of these factors as criteria, the membership may be classified, the cohesion of any class of two or more members determined, and the likeness between any two of these calculated.

In this method, the existence of a group made up of certain predetermined individual members must be postulated before the tests of cohesion and likeness can be applied. The methods cited will not serve to determine automatically the effective groupings that actually exist within the body. Nor will the presence of a non-coöperative member who lowers the cohesion of the group necessarily be observed. For example, having guessed or postulated in advance the presence of align-

[5] For a brief statement of the methods involved, with illustrative applications, cf. "The Behavior of Legislative Groups: a Method of Measurement," *Political Science Quarterly*, March, 1925. For a more technical and extensive discussion, cf. Chap. VI and the appendices of the writer's *Farmers and Workers in American Politics*.

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ments within a state senate based upon party, occupation, rural or urban habitat, or the economic interests of constituents, and having tested the cohesion of each alignment, we might still fail to discover the most cohesive groupings, because of the lack of an objective empirical method for ascertaining the latter. The present paper deals with an attempted solution of this problem.

The difficulty of the solution resides in the enormous number of possible combinations among the members of even a small legislative body. This number increases geometrically at a very rapid rate with the growth of the body. The number of combinations of n things taken r at a time is represented by the formula

$$C_{nr} = \frac{n(n-1)(n-2)\cdots(n-r+1)}{r!}$$

in which $r!$ indicates factorial r, or $1\times2\times3\times\cdots r$.

For example, the number of combinations between members taken two, three, and four at a time, respectively, in a legislative body of 400 members (i.e., the number of possible blocs composed of two, three, and four members) would be expressed as follows:

$$C400\cdot2 = \frac{400\times399}{1\times2} = 79{,}800$$

$$C400\cdot3 = \frac{400\times399\times398}{1\times2\times3} = 10{,}586{,}800$$

$$C400\cdot4 = \frac{400\times399\times398\times397}{1\times2\times3\times4} = 1{,}050{,}739{,}900$$

The number of combinations for each value of r will increase steadily (though at a decreasing rate) until $r=200$. The total number of possible combinations of members within the total body (the number of possible blocs of two or more members) would be the sum of all values of C for all values of r.

The writer has not succeeded in devising a practical objective method for the determination of groupings in a legislative body of these proportions. He has, however, been able to attain certain results by employing the principles embodied in the above formula in bodies of small size. To exemplify his method of analysis he selected the New Jersey senate in

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1914, including all non-unanimous roll calls (48 in number) recorded in the Senate Journal from February 9 to March 15 inclusive. This period followed the initial sessions devoted to organization.

The senate was composed of 21 members—10 Republicans and 11 Democrats. Following is a rough classification of the 48 roll calls by subject matter as indicated by their titles: local government and improvements, 14; courts and judicial procedure, 7; taxation, 4; amendments to constitution, 4; medical practice, 3; electoral procedure, 3; senate rules and procedure, 2; social welfare, 2; game law, 2; property law, 2; miscellaneous, 5. However, no attempt was made in the analysis to distinguish between types of measures.

The immediate objectives with reference to the data may be stated as follows: (1) Can it be determined by reference alone to the votes of these senators among which of the possible combinations or blocs among them the highest cohesion is exhibited? (2) Having determined the combinations or blocs of highest cohesion, is it then possible to discover the common factors to which likeness of voting behavior is related?

A degree of precision sufficient for the purpose of this study has never before been given to the term "bloc." The term will here be defined as any combination of two or more individuals within a larger group, and not including all members of the latter, between every pair of whom there is a ratio of agreement in voting behavior equal to or greater than an assigned figure. By requiring every pair of individuals within a bloc to present an assigned minimum of agreement, it will be possible to base the determination of blocs of larger size upon a prior comparison of agreements between pairs of individuals. Thus among the 21 members of the New Jersey senate, there are 2,118,006 possible blocs composed of from 3 to 18 members each. There are, however, but 210 possible combinations among pairs of these 21 senators. If two senators fall below a prescribed minimum of agreement between themselves they obviously cannot, in compliance with the definition, together enter into a combination or bloc of larger size.

The first step, then, is to ascertain the extent of agreement exhibited in their votes between each of the 210 pairs of senators. It should be noted that the actual agreement shown by roll call votes in the aggregate is greater than appears in the data, for the reason that unanimous roll calls are excluded from consideration. The number of these is much greater than that in which differences appear. The effect of their inclusion would merely be to increase the agreement shown between all

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pairs of members, without substantially altering the comparative or relative agreements exhibited.[6]

For convenience in tabulation, each senator was assigned a number according to alphabetical position from 1 to 21. The possible combinations of these numbers, two at a time, were then arranged in systematic order in vertical columns, and opposite each were checked the agreements and disagreements which appeared from the Journal record. The total number of agreements and disagreements between pairs was 5,802. For each pair of senators the agreements and disagreements were totaled in a fourth column, representing the number of times when both answered to the same roll call. The percentage of agreements between each pair was then set down in a fifth column.

From inspection of these percentages in the last column, it was possible immediately to count up the number in which the agreement equalled or exceeded any given ratio from 0 to 100. By referring to the party affiliations of the individuals concerned the comparative strength of the party influence was apparent. The distribution of percentages of agreement between fellow members of both parties and between members of opposing parties is shown in Table I (see next page).

This table is of particular interest for two reasons. First, it shows the range of agreement that may occur even among members of the same party. For example, one pair of Republicans was in agreement on but little more than half of the roll calls voted upon, while another pair was in agreement on almost all of them. This is in spite of the fact that the two parties were very evenly divided, and party discipline was in consequence likely to be high. Second, it shows that certain pairs of members of opposite party were in agreement in a higher proportion of the votes which both at the same time cast than were other pairs taken from the same party. Thus, one pair composed of a Republican and a Democratic senator were in agreement a number of times proportionately equalling or exceeding the number of agreements among 60 pairs composed in each case of members of the same party. On the other hand, if

[6] The relative agreement would be altered slightly because of the fact that not all members vote on every roll call. It is not, however, possible to say that the revised indexes would be more indicative of the real relationships among the members than are those obtained by omitting the unanimous votes; for less than the total are usually recorded as voting in both cases. This is a factor for which it has been impossible to make allowance in any of the writer's analyses of data of this kind. The attempt to take it into consideration amounts to the inquiry in the case of every absentee: How would he have voted had he been present?

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all pairs in which the agreement equals or exceeds 80 per cent be segregated there will be 41, composed in each case of fellow party members; and if all in which the agreement falls below 55 per cent be segregated there will be 61, composed in each case of members of the opposite party. It is clear that if combinations or blocs of two members each having a relatively high percentage of agreement be segregated, there

TABLE I.

Distribution of percentages of agreement between pairs of members, New Jersey senate, 48 roll calls, session of 1914.

Percentage of Agreement	Numbers of Pairs of Republicans	Pairs of Democrats	Pairs of Opposite Party	Total Pairs
15–19			1	1
20–24			—	—
25–29			—	—
30–34			3	3
35–39			7	7
40–44			13	13
45–49			13	13
50–54			24	24
55–59	1		18	19
60–64	2	6	18	26
65–69	4	6	7	17
70–74	5	14	4	23
75–79	9	13	1	23
80–84	10	4		14
85–89	8	8		16
90–94	5	4		9
95–100	1	1		2
Total	45	56	109	210

will be a high probability that both members of the combination have the same party affiliation. Other common characteristics can be determined by a direct comparison in each case of available biographical material.

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In common speech, however, it is unusual to speak of a bloc of two members. To ascertain the existence of blocs having more than two members, it is necessary to specify (1) the minimum number to which consideration will be given as a bloc, among whom (2) there is a designated minimum of agreement between each pair of members. The selection of these minima must be purely arbitrary, inasmuch as we are dealing in both instances with continuous variables. However, due consideration will be given in practice to the amount of labor involved. This will be decreased by the selection of relatively high minima in both cases.

With reference to the present data, then, it was asked: Among what combinations of four or more members each is there to be found 80 per cent or more agreement? Employing, as before, the numbers by which members are designated, there was set down upon a work sheet the paired combinations of each member with every other in which the required amount of agreement had been found. As previously noted, there were 41 of these combinations, but each will appear twice if the suggested technique is employed. If any number did not enter at least three pairs of such combinations, it could be immediately discarded. Thus member 8 showed 80 per cent or more agreement with members 4 and 15 only. It is obvious that member 8 could not appear in any bloc of four or more members. In this manner, members 2, 8, and 11 were at once eliminated, together with all combinations into which they entered.

The elimination of other possible combinations may be illustrated by member 4, who was paired in 80 per cent or more agreement with members 6, 8, 13, 15, 17, and 21. These seven members contain 35 possible combinations of four members each, 21 combinations of five members, and 7 of six members each. But member 8 has already been eliminated, as noted in the preceding paragraph. By inspection it is seen that member 21 cannot enter the combination, because its own combinations of 80 per cent or more agreement are with members 3, 4, 6, and 10, only two of which are in the first collection of pairs. There now remain members 4, 6, 13, 15, 17. By inspecting the combination of required high agreement between each of these and the other four, it is quickly seen that combinations are missing between certain pairs. Therefore the five together cannot present the required bloc character. But bloc combinations of four each still appear to be possible. It is convenient, therefore, to set down the five possible combinations of four among these five and consider each in turn, as follows:

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(1) 4 13 15 17
(2) 4 6 15 17
(3) 4 6 13 17
(4) 4 6 13 15
(5) 6 13 15 17

But (1), (2) and (4) are now quickly seen to be eliminated because members 15 and 17 lack the necessary agreement, and (3) and (5) fail similarly because of low agreement between members 6 and 13.

In similar fashion, the possible combinations hinging around each member in turn have been considered. Those meeting the minima which were set up are as follows:

Bloc A: Members 1, 5, 7, 18.
Bloc B: " 3, 6, 16, 17, 21.
Bloc C: " 9, 12, 14, 20.

It is interesting to note that in the present case none of these overlap.[7] Blocs A and C are composed entirely of Democrats, and Bloc B of Republicans.

In determining bipartisan groupings, a similar process was employed, although in this case it seemed desirable to take formal recognition of the existence of party affiliations. The question was framed thus: What bipartisan combinations exist, composed of two or more members of each party, showing 80 per cent or more agreement between each pair of members of the same party and 60 per cent or more agreement between each pair of members of opposite party? The following groupings of this character were discovered:

	Rep.			*Dem.*			
Bloc D	3	6	17	12	20		
" E	3	6	16	9	12	20	
" F		3	16	11	14		
" G		3	16	9	12	14	20
" H		3	17	11	14		
" I		3	17	12	14	20	
" J		3	21	11	14		
" K		3	21	5	14		
" L		3	21	12	14		
" M		6	17	12	20		

[7] Bloc B, composed of five members, might be resolved into its five possible combinations of four members each, although this would serve no practical advantage.

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It appears that the first of the general questions propounded above with reference to the inquiry (page 621) has now been answered in the affirmative: By reference to the votes alone (so far as method has been concerned) all possible groupings or blocs of specified minimum number of members (4) and having a specified amount of agreement between all pairs of members (80 per cent) have been segregated. These combinations have been designated Blocs A, B, and C. In addition, by recognition of party affiliations as a major factor in group alignment, Blocs D to M have been segregated on a bipartisan basis, with a reduced amount of required agreement (60 per cent) among pairs of members of opposing party affiliation. By employing the same methods, the possible combinations of any given minimum number of members and of any high minimum agreement between pairs could be ascertained.

Turning to the second question concerning discoverable common factors among the members of the blocs segregated, we are handicapped by the absence of complete biographical data concerning the senators involved. That which is available for each consists of a short sketch appearing in the Legislative Manual, and presumably written by the member himself with an eye to political potentialities. Nevertheless, certain interesting suggestions appear. Thus five of the 21 members, namely, 20, 15, 3, 6, and 21, refer to their membership in Masonic orders. Of these, the last three are members of Bloc B, and Republicans. Member 20, a Democrat, appears in five bipartisan blocs with one or more of these three. Member 15, a Republican, is below average in agreement with one, about average with another, and high in agreement with the remaining two. Again, four members, namely, 1, 5, 7, and 11, appear to be of Irish birth or ancestry. Of these, the first three are among the four members of Bloc A. Member 11, like 1, 5, and 7, is a Democrat, but is average or below in agreement with these other three. The five counties of least population in the state were represented by members 9, 12, 20, 18, and 10. The first three, Democrats, were among the four members of Bloc C, while the fourth member of this bloc was from a county which was by no means large. Two members, Democrats in Bloc A, refer to their interest in social reform, while only two other members make statements that seem intended to give similar impressions. From clues such as these it may be inferred that wider information concerning the member's social background and personality would point strongly to some of the reasons for the high agreements that were found.

In conclusion, a technique has been devised for the determination of effective blocs or groupings within small legislative or other bodies,

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according to the principle that each pair of members in such a grouping must have a specified amount of agreement between them. The determination may be made by consideration alone of the votes cast on roll calls. Application of the technique is not practicable in bodies exceeding 25 or 30 in membership, because of the inordinate amount of labor which the tabulation and computation would involve.[8]

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The Theory of Political Propaganda. Propaganda is the management of collective attitudes by the manipulation of significant symbols. The word attitude is taken to mean a tendency to act according to certain patterns of valuation. The existence of an attitude is not a direct datum of experience, but an inference from signs which have a conventionalized significance. We say that the voters of a certain ward resent a negro candidate, and in so doing we have compactly summarized the tendency of a particular group to act toward a particular object in a specific context. The valuational patterns upon which this inference is founded may be primitive gestures of the face and body, or more sophisticated gestures of the pen and voice. Taken together, these objects which have a standard meaning in a group are called significant symbols. The elevated eyebrow, the clenched fist, the sharp voice, the pungent phrase, have their references established within the web of a particular culture. Such significant symbols are paraphernalia employed in expressing the attitudes, and they are also capable of being employed to reaffirm or redefine attitudes. Thus, significant symbols have both an expressive and a propagandist function in public life.

The idea of a "collective attitude" is not that of a super-organic, extra-natural entity. Collective phenomena have too often been treated as if

[8] I am indebted to Professor H. R. Kemp, of the University of Toronto, who has read this article in proof, for the suggestion that the possible range of its application might be extended by the use of electric sorting machinery. Thus a punch card might be prepared for each roll call or division of the house, the assigned number of each member being punched in one of three columns, e.g., "Aye", "No", or "Not Voting". The combinations of agreement by pairs could then be determined mechanically by the tabulating machine. The technique of "inspection" could not profitably be dispensed with from this point onward, however. Moreover, the rapidity with which the cards could be punched would depend upon the arrangement of the "yes" and "no" votes in the legislative journal. Experiment would be necessary to determine how much labor could be saved by the mechanical sorting and tabulating process.

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they were on a plane apart from individual action. Confusion has arisen principally because students have been slow to invent a word able to bear the connotation of uniformity without also implying a biological or metaphysical unity. The anthropologists have introduced the notion of a pattern to designate the standard uniformities of conduct at a given time and place, and this is the sense of the word here intended. Thus the collective attitude, as a pattern, is a distribution of individual acts and not an indwelling spirit which has achieved transitory realization in the rough, coarse facts of the world of sense.

Collective attitudes are amenable to many modes of alteration. They may be shattered before an onslaught of violent intimidation or disintegrated by economic coercion. They may be reaffirmed in the muscular regimentation of drill. But their arrangement and rearrangement occurs principally under the impetus of significant symbols; and the technique of using significant symbols for this purpose is propaganda.

Propaganda as a word is closely allied in popular and technical usage with certain others. It must be distinguished from education. We need a name for the processes by which techniques are inculcated—techniques of spelling, letter-forming, adding, piano-playing, and lathe-handling. If this be education, we are free to apply the term propaganda to the creation of valuational dispositions or attitudes.

The deliberative attitude is capable of being separated from the propagandist attitude. Deliberation implies the search for the solution of a besetting problem with no desire to prejudice a particular solution in advance. The propagandist is very much concerned about how a specific solution is to be evoked and "put over." And though the most subtle propaganda closely resembles disinterested deliberation, there is no difficulty in distinguishing the extremes.

What is the relation between propaganda and the changing of opinions through psychiatric interviews? Such an interview is an intensive approach to the individual by means of which the interviewer gains access to the individual's private stock of meanings and becomes capable of exploiting them rather than the standard meanings of the groups of which the individual is a member. The intimate, continuing relationship which is set up under quasi-clinical conditions is quite beyond the reach of the propagandist, who must restrict himself to dealing with the individual as a standard member of some groups or sub-groups which he differentiates upon the basis of extrinsic evidence.[9]

[9] Advertising is paid publicity and may or may not be employed in propaganda.

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Propagandas may be classified upon the basis of many possible criteria. Some are carried on by organizations like the Anti-Cigarette League which have a definite and restricted objective; others are conducted by organizations, like most civic associations, which have a rather general and diffused purpose. This objective may be revolutionary or counter-revolutionary, reformist or counter-reformist, depending upon whether or not a sweeping institutional change is involved. Propaganda may be carried on by organizations which rely almost exclusively upon it or which use it as an auxiliary implement among several means of social control. Some propagandas are essentially temporary, like the boosters' club for a favorite son, or comparatively permanent. Some propagandas are intra-group, in the sense that they exist to consolidate an existing attitude and not, like the extra-group propagandas, to assume the additional burden of proselyting. There are propagandas which are manned by those who hope to reap direct, tangible, and substantial gains from them; others are staffed by those who are content with a remote, intangible, and rather imprecise advantage to themselves. Some are run by men who make it their life work, and others are handled by amateurs. Some depend upon a central or skeleton staff and others rely upon widespread and catholic associations. One propaganda group may flourish in secret and another may invite publicity.

Besides all these conceivable and often valuable distinctions, propagandas may be conveniently divided according to the object toward which it is proposed to modify or crystallize an attitude. Some propagandas exist to organize an attitude toward a person, like Mr. Coolidge or Mr. Smith; others to organize an attitude toward a group, like the Japanese or the workers; others to organize an attitude toward a policy or institution, like free trade or parliamentary government; and still others to organize an attitude toward a mode of personal participation, like buying war bonds or joining the marines. No propaganda fits tightly into its category of major emphasis, and it must be remembered that pigeon-holes are invented to serve convenience and not to satisfy yearnings for the immortal and the immutable.

If we state the strategy of propaganda in cultural terms, we may say that it involves the presentation of an object in a culture in such a manner that certain cultural attitudes will be organized toward it. The problem of the propagandist is to intensify the attitudes favorable to his purpose, to reverse the attitudes hostile to it, and to attract the indifferent, or, at the worst, to prevent them from assuming a hostile bent.

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Every cultural group has its vested values. These may include the ownership of property or the possession of claims to ceremonial deference. An object toward which it is hoped to arouse hostility must be presented as a menace to as many of these values as possible. There are always ambitious hopes of increasing values, and the object must be made to appear as the stumbling block to their realization. There are patterns of right and wrong, and the object must be made to flout the good. There are standards of propriety, and the object must appear ridiculous and gauche. If the plan is to draw out positive attitudes toward an object, it must be presented, not as a menace and an obstruction, nor as despicable or absurd, but as a protector of our values, a champion of our dreams, and a model of virtue and propriety.

Propaganda objects must be chosen with extreme care. The primary objects are usually quite distinct. Thus war propaganda involves the enemy, the ally, and the neutral. It involves leaders on both sides and the support of certain policies and institutions. It implies the control of attitudes toward various forms of participation—enlistment, bond buying, and strenuous exertion. These, and similar objects, are conspicuously entangled in the context of the total situation, and the propagandist can easily see that he must deal with them. But some are contingently and not primarily implicated. They are important in the sense that unless precautions are taken attention may be inconveniently diverted to them. The accumulating unrest of a nation may be turned by social revolutionaries into an outburst against the government which distracts the hostility of the community from the enemy, and breakdown ensues. War propaganda must therefore include the social revolutionist as an object of hostility, and all propaganda must be conceived with sufficient scope to embrace these contingent objects.

The strategy of propaganda, which has been phrased in cultural terms, can readily be described in the language of stimulus-response. Translated into this vocabulary, which is especially intelligible to some, the propagandist may be said to be concerned with the multiplication of those stimuli which are best calculated to evoke the desired responses, and with the nullification of those stimuli which are likely to instigate the undesired responses. Putting the same thing into terms of social suggestion, the problem of the propagandist is to multiply all the suggestions favorable to the attitudes which he wishes to produce and strengthen, and to restrict all suggestions which are unfavorable to them. In this sense of the word, suggestion is not used as it is in individual psychology

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to mean the acceptance of an idea without reflection; it refers to cultural material with a recognizable meaning.

Whatever form of words helps to ignite the imagination of the practical manipulator of attitudes is the most valuable one. Terminological difficulties disappear when we turn from the problem of choosing propaganda matter to discuss the specific carriers of propaganda material. The form in which the significant symbols are embodied to reach the public may be spoken, written, pictorial, or musical, and the number of stimulus carriers is infinite. If the propagandist identifies himself imaginatively with the life of his subjects in a particular situation, he is able to explore several channels of approach. Consider, for a moment, the people who ride the street cars. They may be reached by placards posted inside the car, by posters on the billboards along the track, by newspapers which they read, by conversations which they overhear, by leaflets which are openly or surreptitiously slipped into their hands, by street demonstrations at halting places, and no doubt by other means. Of these possible occasions there are no end. People walk along the streets or ride in automobiles, trams, and subways, elevated trains, boats, electrical or steam railways; they congregate in theatres, churches, lecture halls, eating places, athletic parks, concert rooms, barber shops and beauty parlors, coffee-houses and drug stores; people work in offices, warehouses, mills, factories, and conveyances. An inspection of the life patterns of any community reveals the web of mobility routes and congregating centres through which interested fact and opinion may be disseminated.

Propaganda rose to transitory importance in the past whenever a social system based upon the sanctions of antiquity was broken up by a tyrant. The ever-present function of propaganda in modern life is in large measure attributable to the social disorganization which has been precipitated by the rapid advent of technological changes. Impersonality has supplanted personal loyalty to leaders. Literacy and the physical channels of communication have quickened the connection between those who rule and the ruled. Conventions have arisen which favor the ventilation of opinions and the taking of votes. Most of that which formerly could be done by violence and intimidation must now be done by argument and persuasion. Democracy has proclaimed the dictatorship of palaver, and the technique of dictating to the dictator is named propaganda.

HAROLD D. LASSWELL.

University of Chicago.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS[1]

The twenty-third annual meeting of the American Political Science Association will be held in Washington, D.C., December 28–30. The headquarters will be at the Mayflower Hotel, where the round tables and all the general sessions, except those held jointly with the American Historical Association, will convene. A joint session with the historians is planned for the evening of December 28, at which the presidents of the two associations will present their addresses. Probably a second joint session will be arranged for the second day, at which one or more distinguished men in public life will address the associations. While the details of the program have not as yet been completed, it is expected that there will be a session on major projects of political research; one on revolution and democracy in Central Europe; and one on either the Supreme Court and the Constitution or the place of the independent commission in American federal government. Luncheon conferences have been arranged on the government and the press, and the political consequences of the Mexican revolution. The round tables, which have become a distinctive feature of recent meetings, will occupy the mornings as usual. An innovation will be introduced in the provision that admittance to the round tables will be by ticket; no reporters will be present; and no general publicity will be given to the discussions. It is thus hoped that a very frank and free interchange of opinions will be possible. The problems which the round tables will attack will relate closely to the activities of the federal government, and an effort is being made to enlist a number of government officials and others connected with public affairs for participation in the discussions. Round tables have been arranged as follows: (1) The legislative process, a study of the McNary-Haugen bill; (2) federal relations, a study of interstate and regional contracts; (3) problems of federal administration: personnel, financial, and departmental organization; (4) the process of reporting political news; and (5) the diplomatic process. Other round tables, on (1) the functioning of political parties in legislation and administration, and (2) comparative government, may also be provided. It is desired

[1] Members of the American Political Science Association and other persons interested are invited to send to the managing editor carefully authenticated items or notes suitable for publication in this department of the REVIEW. They must ordinarily be in hand by the middle of the second month preceding the date of publication.

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that all members of the Association and others expecting to attend any of the round tables communicate at an early date with the chairman of the program committee, Professor W. J. Shepard, Robert Brookings Graduate School, 1724 Eye St., Washington, D.C., who will put them in touch with the respective round-table leaders, in order that as large a degree of preliminary preparation as possible may be made. The success of this feature of the program depends largely upon the degree in which coöperative study by interested groups has prepared the way for the discussions.

The summer meeting of the Executive Council of the American Political Science Association and the Board of Editors of the *American Political Science Review* was held at Iowa City on June 27, in connection with the Fifth Commonwealth Conference under the auspices of the State University of Iowa. The following members were present: Professors W. B. Munro, F. A. Ogg, T. H. Reed, Isidor Loeb, William Anderson, S. G. Lowrie, C. A. Berdahl, J. P. Sennings, R. S. Boots, F. G. Bates, H. R. Spencer, and J. R. Hayden. Professors C. E. Merriam, an ex-president of the Association, and W. J. Shepard, chairman of the program committee for the 1927 meeting, also participated in the discussions. The report of the Secretary-Treasurer showed the finances of the Association to be in good condition, with the cash balance about the same as at the corresponding date last year. Professor Frederic A. Ogg, managing editor of the REVIEW, in addition to reporting upon various matters connected with the magazine, stated that excellent progress had been made with the consolidated index, in preparation during the past year by the Indiana Legislative Bureau, and that it was expected that the manuscript would be ready for the printer by August 1. An edition of 2,000 copies, to be sold at $2.00 each, was authorized, and it was ordered that subscription blanks be sent to all members with the November number of the REVIEW. As successor to Professor Victor J. West, deceased, Professor Clyde L. King, of the University of Pennsylvania, was elected a member of the Board of Editors. Beginning with the February number, Professor King will be in charge of the department of legislative notes and reviews. Professor T. H. Reed, who in May was appointed chairman of the Committee on Policy to succeed Dr. C. A. Beard, who will be abroad the latter part of the year, made a provisional report which showed that progress is being made in the work of the committee. The presence of Professor Shepard made possible a detailed discussion of the arrangements for the meeting of the Association to be held in Washington in December. It was voted that the next meeting

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of the Executive Council and Board of Editors be held at three o'clock on the opening day of the meeting of the Association.

The Dodge lectures on citizenship at Yale University were delivered last May by Sir George Newman, of the University of London and of the British ministry of health.

Dr. Robert A. MacKay, who has been assistant professor of government at Cornell University for two years, has been appointed to the Eric Dennis memorial professorship of government and political science at Dalhousie University, Halifax.

Dr. V. Kenneth Johnston, assistant professor of political science at Beloit College, has accepted an acting assistant professorship in the department of government at Cornell University.

Mr. James D. McGill, instructor in government at Cornell, has been appointed instructor in political science at the University of Rochester, and Mr. George A. Shipman, of Wesleyan University, has been appointed instructor at Cornell.

Dr. William H. George has been advanced to a full professorship of politics at the University of Washington and will give his entire time to teaching political philosophy to graduate and advanced classes.

Assistant Professor Cole, of the University of Washington, will be on leave of absence during the coming year and will serve as a tutor in government at Harvard University.

Mr. Granvyl Hulse, research fellow in the Erskine Bureau of Traffic Research, Harvard University, has accepted an instructorship at the University of Washington and will teach courses in state and local government and administration.

Dr. Earl L. Shoup has been promoted from an associate to a full professorship at Western Reserve University and has become chairman, rather than acting chairman, of the department of political science.

Mr. Edward F. Dow has resigned as an instructor at Western Reserve University in order to accept a similar position at Dartmouth College.

Mr. Randolph Huus, of Syracuse University, has been appointed assistant professor of political science at Western Reserve University.

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Dr. Howard White has resigned as associate professor of political science at Ohio Wesleyan University to become professor of government at Miami University.

Mr. Howard B. Calderwood, Jr., formerly an instructor in political science at Ohio State University, and more recently a teaching assistant at the University of Wisconsin, has been appointed to a temporary instructorship at the University of Michigan.

Mr. Carl Neprud, formerly of the Chinese Customs Service and at present a graduate student at Wisconsin, has been appointed instructor in international affairs at the American University, Washington, D. C.

Dr. Cortez A. M. Ewing, who completed his graduate work at the University of Wisconsin in June, has been appointed instructor in political science at Pennsylvania State College.

Dr. Thomas S. Barclay, of the University of Missouri, has been made professor of political science at Stanford University.

Mr. Orin F. Nolting, acting secretary of the municipal reference bureau at the University of Kansas, has accepted a fellowship in public administration, with some teaching attached, in Syracuse University for the next two years.

Professor Charles G. Haines was selected from the faculty of the University of California at Los Angeles, during the past academic year, to deliver the annual research lecture. The subject of the lecture was "A Government of Laws or a Government of Men; Judicial or Legislative Supremacy." The lecture is to be issued by the University Press as one of the series of annual research lectures.

Dr. Charles H. Titus, of Stanford University, has been appointed assistant professor of political science at the University of California at Los Angeles, and Mr. H. G. Calhoun, who has lately returned from several years of study in Europe has been appointed lecturer.

Professors Russell M. Story, of Pomona College, and W. Y. Elliott, of Harvard University, offered courses in the summer session of the University of California at Los Angeles.

Professor Pitman B. Potter, of the University of Wisconsin, delivered a number of addresses on different phases of American foreign policy and international relations before various colleges and other audiences in Missouri, Texas, Mississippi, and Illinois during the spring months.

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Professor Raymond Moley, of Columbia University, has been retained by the Illinois Association for Criminal Justice as consultant and editor of its state-wide survey of crime and the administration of criminal law.

After having directed the fourth Harris Foundation Institute at the University of Chicago, Professor Quincy Wright attended the Second Conference of the Institute of Pacific Relations at Honolulu.

Dr. Herbert W. Briggs, former instructor in political science at the Johns Hopkins University, and at present Committee for the Relief of Belgium fellow in international law at the University of Ghent, has accepted appointment on the research staff of the Foreign Policy Association.

Dr. Arthur W. Macmahon has been advanced at Columbia University to an associate professorship of government, and Dr. Phillip C. Jessup to an assistant professorship of international law.

Dr. Carroll H. Wooddy, who is at present in England studying nomination systems, has been appointed assistant professor in the department of political science at the University of Chicago, and will commence his work on October 1. Dr. Fred Schuman, who was granted the degree of doctor of philosophy at the University of Chicago at the spring convocation, has been appointed instructor in political science at the University.

Mr. Hugh E. Egerton, Beit professor of colonial history at Oxford for fifteen years and author of many books on British colonial history and development, died at Oxford on May 21.

Professors John A. Fairlie, of the University of Illinois, and Leonard D. White, of the University of Chicago, and Mr. Luther Gulick, of the National Institute of Public Administration, attended the Third International Congress of the Administrative Sciences held at Paris in June. While abroad, Dr. Gulick is making a study of methods of training for public administration in England and Germany.

Professor Graham Wallas, of the London School of Economics and Political Science, was a guest at the University of Chicago for about ten days during the late spring. He lectured to general university audiences and conferred with members of the political science department.

Dr. Raymond L. Buell has resigned his instructorship at Harvard University to become director of the department of research of the Foreign Policy Association in New York. Professor Edward M. Earle,

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who organized the rapidly expanding work of this department, continues as a member of the supervisory committee.

Professor Robert C. Brooks, of Swarthmore College, is in Switzerland making a study of agencies and modes of civic education, as part of the coöperative survey of this subject now being carried on under the general direction of Professor C. E. Merriam, of the University of Chicago.

Dr. A. C. Hanford, assistant professor of government and director of the summer school at Harvard University and member of the board of editors of the REVIEW, has been appointed dean of Harvard College. The appointment carries special distinction in that Professor Hanford is the first incumbent of the post who was not graduated from the College. His baccalaureate degree was received at the University of Illinois in 1912.

Professor Lindsay Rogers, of Columbia University and member of the board of editors of the REVIEW, has become executive director of the National Wholesale Women's Wear Association. His new activities will not involve severing his academic connection. His title at Columbia has been changed to professor of public law.

Dr. A. R. Hatton has resigned at Western Reserve University and has accepted a professorship of municipal government at Northwestern University. He will offer courses on municipal government, party politics, and public administration.

Dr. Leo S. Rowe visited Colombia, Venezuela, Haiti, and the Dominican Republic during the early summer in fulfillment of a mission entrusted to him by the governing board of the Pan American Union.

Dr. Robert M. MacIver, of the University of Toronto, has been appointed professor of social science in Barnard College. He will direct a graduate course in political theory at Columbia University.

Dr. John Dickinson has resigned as lecturer in government at Harvard University to become assistant professor of politics at Princeton University.

Professor Albert R. Ellingwood, of Lake Forest College, has accepted an associate professorship of constitutional law at Northwestern University and will give courses in political theory, the relation of government to business and industry, and the legal side of the field of political science generally.

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Dr. W. S. Holdsworth, Vinerian professor of English law at Oxford University, made his first visit to the United States during the spring months and delivered lectures on "Some Lessons from Our Legal History," "Maitland, the English Legal Historian," and other topics, at Harvard, Yale, Columbia, Pennsylvania, Chicago, Wisconsin, and other universities. He also made the dedicatory address at the opening, in June, of the new buildings of the Law School of Northwestern University.

Professor Leonard D. White, of the University of Chicago, will spend the summers of 1927 and 1928 in England studying the development of trade unions and professional organizations in the English civil service. This arrangement of Professor White's leave of absence from the University of Chicago was necessitated by his appointment as executive secretary of the Local Community Research Committee, which is in charge of the research program of the social sciences at the university. Professor White attended the Third International Congress of the Administrative Sciences at Paris in June, and later was present at the Third Scientific Management Congress at Rome, where he read a paper on "The Influence of American Business Administration on Municipal Administration." His recently completed study of the city manager is being published by the University of Chicago Press.

Professor John Alley, of the University of Oklahoma, will be director of a school of citizenship and public affairs to be inaugurated at the university in the autumn. Four curricula will be maintained preparing, respectively, for civic leadership, government service, municipal service, and foreign service. Candidates for a degree in the school will be required to take at least thirty-two hours of work, out of a total of 124, in the field of government.

Under the auspices of the political science department of the summer school of the University of New Hampshire, a conference dealing with the Latin American relations of the United States was held at Durham on July 25–26. Among speakers who participated were Professors William R. Shepherd of Columbia University, Isaac J. Cox of Northwestern University, Clarence R. Williams of the University of Vermont and William F. Jones, formerly of the Massachusetts Institute of Technology.

A Southern Institute of Politics, modeled on the Williamstown Institute, was held at the University of Georgia from June 26 to July 8.

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Topics in the general field of government, as well as in foreign relations, were considered; among the lecturers and round table leaders being Professors Edward S. Corwin of Princeton University, James W. Garner of the University of Illinois, Robert E. Cushman of Cornell University, E. C. Branson of the University of North Carolina, and J. H. T. McPherson of the University of Georgia, and Messrs. Adamantios Th. Polyzoides, editor of *Atlantis*, and Charles Pergler, formerly Czechoslovak commissioner to the United States.

Among some fifty fellows appointed by the Guggenheim Memorial Foundation for the year 1927–28 (or some part thereof) are Professor Leonard D. White, of the University of Chicago, who will study trade unions and professional organizations in the public service of Great Britain; Professor Roger H. Wells, of Bryn Mawr College, who will make investigations in Berlin and other German cities with a view to preparing a book entitled "Municipal Government in the German Commonwealth;" Professor J. Fred Rippy, of Duke University, for researches, in Europe, on the subject of Latin America in world affairs; Mr. Nathaniel Peffer, of the New School for Social Research, for a study of the effects on old and established Eastern civilizations (especially the Chinese) of the impact of industrialism and nationalism; and Professor Bernadotte E. Schmitt, of the University of Chicago, for further studies of the origins of and responsibility for the World War.

Among the pieces of research on which the members of the political science department of the University of Chicago will be engaged during the academic year 1927–28 are: (1) a study of precinct captains, from both the political and the social point of view, by Dr. Harold F. Gosnell; (2) personality studies, by Dr. Harold D. Lasswell; (3) studies in leadership, to be continued under the direction of Professor Charles E. Merriam, who will also continue the studies in regional planning; and (4) a study of the prestige value of public employment, which has already yielded significant results and will be continued during the next year by Professor L. D. White. Plans are being considered for the erection of a social science research building at the university, and construction is anticipated in the immediate future.

At the fifth Commonwealth Conference under the auspices of the State University of Iowa, held at Iowa City June 27–29, round table sessions presided over by Professor B. F. Shambaugh as chairman of the Conference were held on the following subjects: the legal status and

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organization of cities; police power and the administration of justice; the ownership and regulation of public utilities; municipal budget making and finance; and better government for municipalities. Brief addresses at two public meetings were delivered by Dean Isidor Loeb and Professors Charles E. Merriam, Thomas H. Reed, William B. Munro, and A. R. Hatton.

The fourth institute on the basis of the Norman Wait Harris Memorial Foundation was held at the University of Chicago June 21–July 8. The general subject for consideration was the problems of the British Empire, including the relations of the dominions to each other, to the Empire, and to foreign nations, as well as the foreign policy of the Empire. Public lectures were delivered by Sir Cecil J. B. Hurst, legal advisor to the British Foreign Office; Hon. Timothy A. Smiddy, minister of the Irish Free State to the United States; Sir William Harrison Moore, professor of law, University of Melbourne; Mr. John W. Dafoe, editor of the Manitoba *Free Press;* Mr. Eric H. Louw, trade commissioner for the Union of South Africa to the United States and Canada; and Mr. Angus S. Fletcher, of the British Library of Information in New York. The Institute plans to publish these lectures in book form, as has been done in the past; and, as heretofore, round tables consisting of a limited number of guests with a special interest in the subject were organized to discuss certain problems of the British Empire with the visiting lecturers.

The seventh session of the Institute of Politics was held at Williamstown, Massachusetts, from July 28 to August 25. Formal courses of lectures were given by Count Carlo Sforza, Rome, on the foreign policies of Europe since the peace of Versailles, and Dr. Peter Reinhold, Dresden, Germany, on financial and economic policy of Germany since the war. In addition to these regular courses, several addresses were scheduled to be given by visitors of international reputation, including Dr. Lange of Denmark, Dr. Robert Michels of the University of Basel, Bishop Nicholai of Macedonia, Dr. John A. Todd of Liverpool, and Sir Arthur Willert of London. The list of round table leaders was as follows: (1) International debts in retrospect and prospect, Dr. Joseph S. Davis, Food Research Institute, Stanford University; (2) The Philippine Islands: their political status, Professor Ralston Hayden, University of Michigan; (3) Present problems of the British Commonwealth of Nations since the war, Professor Herbert H. Eaton, Queens University, Kingston; (4) Comparative law as a basis of international law, Dr.

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Pierre LePaulle, Paris, France; (5) Foreign interests and national self-determination in inter-American affairs, Professor William R. Shepherd, Columbia University; (6) Dictatorship vs. democracy in Europe, Professor Henry R. Spencer, Ohio State University; (7) An American agricultural policy, Mr. Henry A. Wallace, Des Moines, Iowa; and (8) The Chinese situation, Professor Harold S. Quigley, University of Minnesota.

The Hague Academy of International Law started its fifth series of courses on July 4. The courses were conducted, as usual, in the Palace of Peace. The United States was represented by Professor Edwin R. A. Seligman, of Columbia University, who lectured on "Fiscal Evasion in International Law" and "International Coöperation in Fiscal Matters"; Professor Manley O. Hudson, of Harvard University, who discussed "The Conception of Neutrality and the League of Nations;" and Miss Sarah Wambaugh, who spoke on "The Practice of International Plebiscites." Among the other lecturers were Professor Walther Schucking, director of the Institute of International Law at Kiel; Professor Baker, of the University of London, and Jonkheer Willem J. M. van Eysinga, professor at the University of Leiden.

A model Assembly of the League of Nations was held under the auspices of the School of Citizenship and Public Affairs of Syracuse University in the later part of April. All but one of the colleges and universities in the central and western part of New York State coöperated, ten institutions sending a total of fifty-five delegates. Each college and university was asked to send a delegation representing some one of the member-countries of the League of Nations. In some cases two, and in one case three, delegations came from a single institution. Cornell University had a Chinese delegation consisting almost entirely of native Chinese, a German delegation headed by a native German, and a Japanese delegation upon which were two native Japanese. Students of Syracuse University filled out delegations from countries not represented by the coöperating colleges. Reports were prepared and presented from the Secretariat and the six standing committees, as well as special committees making investigations under the auspices of the League. These were mimeographed and circulated in advance among the participants. The Assembly held two sessions, on the afternoon of one day and the morning of the following day. Sir George Foster, twice a delegate to the Assembly of the League from Canada, gave an address on "Why Canada Adheres to the League," and a second address, on "The

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United States and the League of Nations," was given by Professor George H. Blakeslee, of Clark University. The students and faculty members participating agreed that the undertaking was profitable from every point of view, and there was a consensus of opinion that it would be desirable to repeat the enterprise each year. A rather complete report of the Assembly has been prepared for circulation. Persons interested may secure it from the School of Citizenship and Public Affairs.

Under the auspices of the committee on problems and policy of the Social Science Research Council, committee meetings will be held at Hanover, New Hampshire, during the period August 15 to September 2, as follows: Council committees on social science abstracts, scientific method, juvenile delinquency, and preliminary survey of crime and criminal justice, and advisory committees on corporate relations, pioneer belts, interracial relations, industrial relations, scientific aspects of human migration, cultural areas, crime, international relations, grants-in-aid, and social and economic research in agriculture. The committee on problems and policy will hold a number of sessions, and the Research Council itself will meet during the final week. As in other years, the forenoons will be devoted to committee meetings and the evenings to reports on and discussions of significant current research undertakings in social science.

The Social Science Research Council has undertaken a survey of all research work that has been done in the United States on the subject of crime, using that term in a very broad sense to include all phases of criminology, penology, and the administration of criminal justice. The immediate and practical object is to provide a basis of fact on which the Council's advisory committee on crime may be able to consider proposed projects of research on crime that are submitted to it for approval. It is believed that this survey, by describing methods employed and the scope of previous inquiries, will help to disclose which phases of the crime problem have been studied scientifically; that it will reveal which techniques are now being employed in the study of the problem; and that it will also show which phases of the problem have thus far not been treated adequately. A second objective in the survey is the preparation of an annotated descriptive bibliography which will serve as a guide to isolated students and research workers who are seriously interested in the crime problem. The committee in charge of the survey consists of Professors Justin Miller (chairman), of the University of California,

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Raymond Moley, of Columbia University, and A. F. Kuhlman (director), of the University of Missouri.

Harris political science prizes, offered to undergraduates of colleges and universities in certain Middle Western states for essays on designated subjects, were awarded in May as follows: first prize ($150) to Miss Lora Lucile Deere, University of Illinois, for an essay on "Participation by the United States in International Conferences and Congresses before the World War;" second prize ($100) to Mr. Harlow James Heneman, University of Minnesota, for an essay on "The Administration of the Japanese Mandates;" and honorable mention to Mr. Wen Ying Peng, University of Wisconsin, for an essay on "The Trading Rights of Foreigners in China." The subjects for the contest in 1928 are as follows: (1) Recent centralizing tendencies and activities of the federal government in relation to the states; (2) A study of the present organization and functions of a federal administrative commission, e. g., (a) the Federal Trade Commission, (b) the Tariff Commission, (c) the Interstate Commerce Commission; (3) Political aspects of some current economic problem, e. g., (a) farm-relief, (b) flood-control, (c) railway or water transportation; (4) Legislative control of administration through (a) investigating commissions or (b) positive legislation; (5) Some recent phases of financial administration, national, state, or local, e. g., (a) the problem of pre-audit, (b) financial reporting, (c) budgets, state or local; (6) The selection, discipline, and removal of public servants, e. g., (a) in any two national governments, (b) in any American state or city, (c) in the secretariat of the League of Nations; (7) Interstate agreements, e. g., New York Port Authority compact, New York, New Jersey, and Pennsylvania water compact, the Colorado River compact; (8) A critical study of the organization and functioning of American courts, e. g., (a) reorganization of state or municipal court systems, (b) rule-making, legislative versus judicial, (c) voluntary and arbitral courts, (d) methods of selecting state and local judges; (9) State legislatures: the practical operation of (a) the bicameral system in a particular state, (b) procedure in a particular state, or (c) the extent of party-voting in a particular state; (10) Relations of state and local administration in a particular state, with reference to a specific field of government, such as (a) public utilities, (b) finance, (c) health, (d) education, (e) police, or (f) highways; (11) A study of the practical workings of one of the following offices in a particular state or, preferably, in a particular county (a) county board, (b) justice of the peace, (c) local prosecuting

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attorney, (d) sheriff, (e) coroner, (f) county clerk, (g) auditor; (12) Influence of voluntary organizations (other than political parties) or of a particular organization, in (a) elections, or (b) legislation; (13) Problems of American foreign policy with respect to the countries of (a) Europe, (b) the Far East, or (c) Canada; (14) Relations of the United States and Latin America, with reference to (a) a particular phase or (b) a particular state or group of states; (15) Problems of the British Commonwealth of Nations, e. g., (a) determination of foreign policy, (b) attitude toward reorganization of the Commonwealth on the part of a dominion or of any political party, (c) position of crown colonies or of any native race; (16) Problems of government and politics in the Far East, e. g., (a) political parties, (b) liberalism, (c) colonial policy, (d) constitutional reorganization in China; (17) Present-day problems of international law, e. g., (a) progress in codification and international legislation, (b) the law of war, (c) extraterritoriality; (18) Problems in the activities of the League of Nations, e. g., (a) disarmament, (b) outlawry of war, (c) raw materials distribution, (d) practical working of the mandates system in a particular area; (19) A recent or contemporary political leader; (20) Any other subject approved by the chairman of the committee not later than February 1.

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DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN COLLEGES AND UNIVERSITIES[1]

COMPILED BY PITMAN B. POTTER

University of Wisconsin

POLITICAL PHILOSOPHY AND PSYCHOLOGY

Harold F. Alderfer; A.B., Bluffton College, Bluffton, Ohio, 1922; A.M., Syracuse University, 1926. The Personality and Politics of Warren G. Harding. *Syracuse.*

Arthur S. Beardsley; LL.B., University of Washington, 1918; B.S. in Library Science, *ibid.*, 1924. An Introductory Course in Legal Bibliography and Research—A Laboratory Method. *Washington.*

Norman Wood Beck; A.B., Chicago, 1923. A Group of Political Scientists as Inventors. *Chicago.*

J. T. Carpenter; A.B., Duke, 1920; A.M., State University of Iowa, 1925. Sectional Minorities and the Federal Constitution in the Ante-Bellum South: A Study in Southern Political Thought. *Harvard.*

Bernard Freyd; A.B., University of Washington, 1916; A.M., *ibid.*, 1918. The Political Theory of Otto Gierke, with Special Reference to his Work on Johannes Althusius. *Washington.*

Grace E. Givin; A.B., Kansas, 1914; B.S. in Education, *ibid.*, 1916. Louise DeKoven Bowen as a Political Leader. *Chicago.*

Clyde W. Hart; A.B., Milliken, 1915. Political Theory in American Literature. *Chicago.*

John Gilbert Heinberg; A.B., Washington University, 1923; A.M., *ibid.*, 1924. The History and Theory of Majority Rule. *Brookings.*

Helen D. Hill; A.B., Chicago, 1921. Anti-Stateist Theory in Recent Times. *Chicago.*

Tao Wei Hu; A.B., University of Washington, 1924; A.M., Princeton, 1925. Recent Political Ideas in China. *Princeton.*

C. O. Johnson; A.B., Richmond, 1917; A.M., Chicago, 1921. Carter Harrison as a Political Leader. *Chicago.*

[1] Similar lists have been printed in the REVIEW as follows: IV, 420 (1910); V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926). The present list is incomplete, no returns having been received from Columbia, California, and two or three other institutions at which graduate work is done. Attention may be called to a "List of Theses in Economics and Allied Subjects in Progress in Universities and Colleges in Great Britain and Northern Ireland," *Economica*, No. 20 (June, 1927). *Man. Ed.*

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Mary Z. Johnson; Ph.B., Chicago, 1924. Development of Democratic Theory since 1848. *Chicago.*

Agnes Smith Knowlton; B.S., Utah, 1918; M.S., *ibid.*, 1920. Reed Smoot as a Political Leader. *Chicago.*

Charles R. Layton; A.B., Otterbein, 1913; A.M., Michigan, 1917. The Political Thought and Influence of John Bright. *Michigan.*

Maxwell Alan Lerner; A.B., Yale, 1924; A.M., Washington University, 1925. Schools of Jurisprudence. *Brookings.*

Ti-Tsun Li; A.B., Wisconsin, 1925; A.M., *ibid.*, 1926. The Political Theory of Sun Yat-Sen. *Wisconsin.*

Madge M. McKinney; A.B., Western Reserve, 1916; M.S., *ibid.*, 1919. An Analysis of the Traits of Citizenship. *Chicago.*

Mildred Stella Patterson; Ph.B., Chicago, 1927. Uses of Humor in Certain Political Situations. *Chicago.*

Pearl Robertson; Ph.B., Chicago, 1923; A.M., *ibid.*, 1925. Grover Cleveland as a Political Leader. *Chicago.*

S. McKee Rosen; A.B., Minnesota, 1923. Political Motives. *Brookings.*

Dorothy Schaffter; A.B., Iowa, 1924; A.M., *ibid.*, 1926. The Bicameral System in Practice. *Iowa.*

Ernst B. Schulz; B.S., Michigan, 1920; A.M., *ibid.*, 1921. Government, A Phase of Social Organization. *Michigan.*

Harry G. Ziegler; Ph.B., Chicago, 1926. Campaigning Technique and Traits of Certain Political Leaders. *Chicago.*

UNITED STATES GOVERNMENT AND POLITICS AND CONSTITUTIONAL LAW

M. E. Brake; Ph.B., Chicago, 1920; J.D., *ibid.*, 1920. Criminal Law Enforcement by Injunction under Federal Legislation. *Chicago.*

Esther Waneta Cole; A..B, Peru State Teachers' College, Peru, Nebraska, 1924; A.M., *ibid.*, 1925. The American Indian Problem. *Brookings.*

Royden Dangerfield; B.S., Brigham Young, 1925. The Senate's Influence on the Foreign Relations of the United States. *Chicago.*

George Barnes Galloway; A.B., Wesleyan, 1920; A.M., Washington University, 1924. Congressional Committees of Investigation. *Brookings.*

A. Blair Knapp; A.B., Syracuse, 1926; A.M., *ibid.*, 1927. Voting Behavior of the United States Senate. *Syracuse.*

Joseph T. Law; A.B., Drury, 1915; A.M., Wisconsin, 1921. Constitutional Limitations upon the Delegation of Legislative Power. *Wisconsin.*

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Paul Lewinson; B. Litt., Columbia, 1922. Suffrage Discriminations on the Basis of Race in the United States. *Brookings.*

Breck Parkman McAllister; A.B., California, 1923; LL.B., Harvard, 1926. The Doctrine of Public Interest in American Constitutional Law. *Brookings.*

James D. McGill; A.B., Oberlin, 1920; A.M., *ibid.*, 1922. Religious Liberty and Equality in American Constitutional Law. *Cornell.*

Mildred B. Palmer; A.B., Pomona, 1921; A.M., Radcliffe, 1923. The Congressional Election of 1858 with Regard to the Development of the Republican Party. *Radcliffe.*

Rex M. Potterf; A.B., Indiana, 1918; A.M., Columbia, 1923, and Indiana, 1926. The Treaty of Versailles before the United States Senate. *Wisconsin.*

George A. Shipman; A.B., Wesleyan, 1925; A.M., Wesleyan, 1925. A Phase of the Relation between Interstate Commerce and the Police Power. *Cornell.*

Frank M. Stewart; A.B., Texas, 1915; A.M., *ibid.*, 1917. History of the National Civil Service Reform League. *Chicago.*

STATE AND LOCAL GOVERNMENT IN THE UNITED STATES

Francis Robert Aumann; A.B., Ohio Wesleyan, 1921; A.M., Ohio State, 1925. The Administration of Justice in Iowa Municipalities. *Iowa.*

Daniel B. Carroll; A.B., Illinois, 1915; The Unicameral Legislature in Vermont. *Wisconsin.*

C. H. Chang; St. John's University, Shanghai, 1924; A.M., Columbia, 1925. Police Administration in New York, Chicago, and Philadelphia. *Illinois.*

James W. Errant; B.S., Illinois, 1923. Public Employee Organizations in Chicago. *Chicago.*

W. Brook Graves; A.B., Cornell, 1921; A.M., Pennsylvania, 1923. Organization and Problems of a State Highway Department. *Pennsylvania.*

Harry J. Green; A.B., Hopkins, 1926; LL.B., University of Maryland, 1927. The Maryland Legislature. *Hopkins.*

R. O. Huus; A.B., St. Olaf College, 1915; A.M., Columbia, 1920. Financial Administration of Municipal Recreation Systems. *Syracuse.*

Jacob Mark Jacobson; A.B., Brown, 1926; A.M., *ibid.*, 1926. State Administrative Reorganization: A Study and Evaluation of Proposed and Adopted Plans. *Brown.*

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Wylie Kirkpatrick; A.B., Stanford, 1922; A.M., Columbia, 1924. State Control of Municipal Finances. *Brookings.*

David Wilbur Knepper; A.B., Iowa State Teachers' College, 1923; A.M., Iowa, 1927. Some Aspects of Municipal Finance in Iowa. *Iowa.*

Horace J. Knowlton; A.B., Utah, 1920; LL.B., *ibid.*, 1923; J.D., Chicago, 1925. Salaries and Wages in the Chicago Civil Service, 1910–1925. *Chicago.*

Edward M. Martin; A.B., Oberlin, 1916. Role of the Chicago Bar Association in Judicial Elections. *Chicago.*

Roscoe C. Martin; A.B., Texas, 1924; A.M., *ibid.*, 1925. Populist Movement in Texas. *Chicago.*

David M. Maynard; B.S., Princeton, 1922; A.M., Columbia, 1925. Operation of the Referendum in Chicago. *Chicago.*

M. C. Mitchell; Ph.D., Harvard, 1927. Assessment of Real Estate Values in American Cities. *Harvard.*

Spencer D. Parratt; A.B., Utah, 1924. Organization of Governments in the Regional Area of Chicago. *Chicago.*

Mary Elizabeth Pidgeon; A.B., Swarthmore, 1913; A.M., Virginia, 1924. Chicago Mayoralty Election of 1927. *Chicago.*

John McDonald Pfiffner, A.B., Iowa, 1916; A.M., *ibid.*, 1917. The Mayor in Iowa Municipalities. *Iowa.*

Julius Prufer; A.B., Roanoke, 1920; A.M., *ibid.*, 1921. Study of Non-Voting in Virginia. *Chicago.*

G. Kenneth Reiblich; A.B., Hopkins, 1925. A Study of Judicial Administration in the State of Maryland. *Hopkins.*

Clarence Ridley; B.C.E., University of Michigan, 1914; A.M., Columbia, 1921. Means of Measuring Municipal Government. *Syracuse.*

John T. Salter; A.B., Oberlin, 1921. The Non-Partisan Ballot in Pennsylvania Cities of the Third Class. *Pennsylvania.*

Roy Vivian Sherman; A.B., Iowa, 1925; A.M., *ibid.*, 1926. The Municipal Electorate in Iowa. *Iowa.*

Robert F. Steadman; B.S., Dakota Wesleyan, 1923. Organization and Functioning of Public Health Agencies in the Regional Area of Chicago. *Chicago.*

Jacob Armstrong Swisher; A.B., Iowa, 1917; A.M., *ibid.*, 1918. The Incorporation and Legal Status of Municipal Corporations in Iowa. *Iowa.*

Harvey Walker; A.B., Kansas, 1924; A.M., Minnesota, 1927. Municipal Ordinance Making. *Minnesota.*

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FOREIGN AND COMPARATIVE GOVERNMENT

Kurt R. Mattusch; A.M., Wisconsin, 1927. Development of Self-Government in the British Empire with Special Reference to India. *Wisconsin.*

Bertram W. Maxwell; A.B., Minnesota, 1917; A.M., Iowa, 1923. Contemporary Municipal Government in Germany. *Iowa.*

Walter E. Sandelius; A.B., Idaho, 1919; B. Litt. Oxon, University of Oxford, 1922. Parliamentary Government in Sweden. *Brookings.*

William C. White; A.B., Princeton, 1923; A.M., University of Pennsylvania, 1925. Theory and Operation of the Russian Soviet Constitution. *Pennsylvania.*

INTERNATIONAL ORGANIZATION AND POLITICS AND INTERNATIONAL LAW

Paul S. Bachman; B.S., Ohio State, 1922; A.M., University of Washington, 1925. John Marshall's International Law Doctrines. *Washington.*

Laverne Burchfield; A.B., 1921; Michigan; A.M., *ibid.*, 1923. American International Law. *Michigan.*

Claude A. Buss; A.B., Washington Missionary College, Takoma Park, D.C., 1922; A.M., Susquehanna University, 1924. Relation of Tariff Autonomy to Political Conditions in China. *Pennsylvania.*

Howard B. Calderwood, Jr.; A.B., Ohio Wesleyan, 1921. International Protection of Minorities in National States. *Wisconsin.*

P. C. Chu; Nan Woo College (Canton). Title to Territory under International Law. *Chicago.*

Frederick S. Dunn; B.Litt., Princeton, 1914; LL.B., New York Law School, 1917. The Practice and Rules of Procedure of International Conferences. *Hopkins.*

W. A. Gray; A.B., Minnesota, 1923; A.M., *ibid.*, 1924. The International Sanction. *Harvard.*

Paul Heaton; A.B., Minnesota, 1924; A.M., *ibid.*, 1926. Extraterritoriality in China. *Chicago.*

John G. Hervey; A.B., Oklahoma, 1925. Legal Consequences of Recognition in International Law. *Pennsylvania.*

Charles S. Hyneman; A.B., Indiana, 1923; A.M., *ibid.*, 1925. The Fulfillment of Neutral Duties by the United States during the Revolutionary and Napoleonic Wars. *Illinois.*

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Katherine D. Klueter; A.B., Wisconsin, 1924; A.M., *ibid.*, 1925. International Regulation of Emigration and Immigration. *Wisconsin.*

Maria Lanzar; Ph.B., University of the Philippines, 1922; A.M., *ibid.*, 1923. The Anti-Imperialist League. *Michigan.*

Walter Laves; Ph.B., Chicago, 1923. German Policy with Regard to Foreign Investments. *Chicago.*

Ngo Chang Lin; A.B., Tientsin Anglo-Chinese College, 1915. Status of Tibet Under International Law. *Chicago.*

Elizabeth Mary Lynskey; A.B., Minnesota, 1919; A.M., *ibid.*, 1920. The Protection of American Missionaries in China. *Brookings.*

Aaron Margalith; A.B., Hopkins, 1926. Iraq, Syria and Palestine: An Inquiry into the Working of the Mandate System. *Hopkins.*

G. A. McCleary; A.B., Ohio Wesleyan, 1917; J.D., Michigan, 1924. The Distinction Between Political and Legal Questions under International Law. *Chicago.*

Vera A. Micheles; A.B., Radcliffe, 1925; A.M., Yale, 1926. The Legal Status of De Facto Governments before Foreign Courts. *Radcliffe.*

N. J. Padelford; Ph.B., Denison, 1925. Religious Property in International Law. *Harvard.*

Helen L. D. J. Reid; A.B., Vassar, 1922; A.M., Radcliffe, 1924. International Servitudes. *Radcliffe.*

James B. Rankin; A.B., Princeton, 1923; A.M., University of Pennsylvania, 1925. International Politics Respecting Opium Since 1883. *Pennsylvania.*

Fred L. Schuman; Ph.B., Chicago, 1924. American Policy Toward Russia, 1917–1927. *Chicago.*

John F. Shreiner; A.B., Oberlin, 1917; A.M., Williams, 1922. International Regulation of Commerce, Industry, and Finance. *Wisconsin.*

R. C. Spencer; A.B., Colorado, 1923; A.M., *ibid.*, 1924; The Relationship Between the Assembly and the Council of the League of Nations. *Illinois.*

Harold H. Sprout; A.B., Oberlin, 1923; A.M., *ibid.*, 1924. International Law in the Jurisprudence of the United States. *Wisconsin.*

Ralph H. Stimson; A.B., Ohio State, 1921; A.M., Harvard, 1924. Control of the Manufacture of Armament. *Illinois.*

Ivan M. Stone; A.B., Nebraska, 1923; A.M., Illinois, 1926. The Relation of Petroleum to American Foreign Policy. *Illinois.*

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William M. Strachan; A.B., Michigan, 1912; LL.B., *ibid.*, 1915; A.M., *ibid.*, 1923. Radio Communication: A Problem in Domestic and International Jurisdiction and Legislation. *Michigan.*

S. H. Tan; A.B., Shanghai College (Shanghai), 1922. American Investments in China. *Chicago.*

Tienkai Lincoln Tan; A.B., Peking Teachers' College, 1922; A.M., Stanford, 1924. Foreign Claims Against China. *Stanford.*

L. B. Tribolet; A.B., Denison University, 1920. International Aspects of Electrical Communications in the Pacific Area. *Hopkins.*

Ernest G. Trimble; A.B., Berea, 1922. Comparison of the Prize Law of the World War with that of the Napoleonic War. *Yale.*

Hua Chang Wang; B.A., Minnesota, 1924. Reparation for International Delinquencies. *Chicago.*

Shih F. Wang; A.B., Wisconsin, 1926; A.M., *ibid.*, 1926. Turkey in World Politics, 1914–1924. *Wisconsin.*

Margaret Henshaw Ward; A.B., Smith, 1922; A.M., California, 1926. The Mandate and Minority Provision of the Covenant of the League of Nations. *Brookings.*

Han Too Wu; LL.B., Imperial University of Tokyo, Japan, 1925. Responsibility of States for Injuries Sustained by Aliens on Account of Acts of Insurgents. *Illinois.*

Carl W. Young; A.B., Northwestern, 1922; A.M., Minnesota, 1924. Japanese Policy in Manchuria. *Minnesota.*

SOCIAL PROBLEMS RELATED TO GOVERNMENT

John S. Bradway; A.B., Haverford, 1911. Legal Aid Work in the United States. *Pennsylvania.*

E. Pendleton Herring; A.B., Hopkins, 1925. Organized Agencies at Washington for the Creation of Public Opinion and the Promotion of Legislation. *Hopkins.*

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BOOK REVIEWS

EDITED BY A. C. HANFORD
Harvard University

The Science and Method of Politics. By GEORGE E. G. CATLIN. (New York: Alfred A. Knopf. 1927. Pp. xii, 349.)

This volume, we are informed in the preface, is put forward "as an unsystematic contribution to what I am conscious is a very great subject and I should add, since Aristotle, an almost untouched subject." About one-fourth of the space is devoted to the nature, methods, and uses of history, considered from the political point of view. A second part deals with the possibility of a political science, the place of politics among the social sciences, and the process of politics. In conclusion, the relations of politics and ethics are considered. With respect to form, the work is a collection of more or less orderly notes on various related topics, occasionally ornamented by sage reflections, shrewd suggestions, and apposite allusions. Typographically it is a delight to the eye.

Professor Catlin proceeds on the belief that economics is "not incapable of a conditional prediction; it is thus a science and not a mere collection of observations." This fortunate position he ascribes to the methods of the economists. They "owe their superior system to the fact that they had the courage to divorce the study of economics from those of politics and ethics, as the Aristotelian tradition had not done."

From this assumption (or conviction), the author proceeds to the argument that politics must take a leaf from the book of economics, separate itself from cognate subjects, and build up a structure of thought "not incapable of conditional prediction." And what is this new type of politics? Professor Catlin defines it many times directly and by implication, with a number of variants that are rather baffling (pp. 112, 122, 145, 177, 221, 224, 259, 300, 338, etc.). From some of these definitions it would appear that he regards politics as covering the entire range of human behavior, growing out of the desire for power over one's fellows. In one place he says that "we could regard politics, from the side of subject matter, as having for its field all behavior resulting in the control or collaboration of one will over or with another" (p. 122). Again we are told that "the desire (however incapable of real isolation) to attain one's ends among one's fellows—to 'execute one's will'—is the basis of a scientific politics" (p. 224).

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But in other places Professor Catlin seems to limit the scope of politics by excluding economic and other factors. He distinctly states that "Politics, as a theoretical study, is concerned with the relations of men, in association and competition, submission and control, in so far as they seek, not the production and consumption of some article, but to have their way with their fellows" (p. 210). In another relation, he adds, "If by sociology we mean, not a general study of social activities, but a special study of the forms of social relationship and of this relationship when it is primary and not considered as subordinated to a relationship *not* social (as, e. g., the 'engineering' relationship of men with things, involved in the work of production, or the specific relationship, with its consequences biological rather than political, of men and women to satisfy the demands of the race), then sociology and politics are indistinguishable sciences" (p. 177). In any case, our author has little patience with students of politics who "have been short-sightedly groping in unscientific investigations of the activities of the State or even of government." As a maker of the new scientific politics, he is not primarily interested in government, but in conduct that involves power, excepting, apparently, conduct related to the production of goods. Such at least seems to be the thesis and animus of Professor Catlin's book.

If this procedure offers a correct working hypothesis, then darkness enshrouds all those who labor under the impression that politics is fundamentally concerned with the state and government and with the social and economic factors that appear to determine, or at all events condition, their forms and operations. Equally confused are those who have a prejudice to the effect that there would not be much left of American politics, at least, if capitalism, agriculture, labor, spoils, contracts, taxation, shipping, railways, etc., were eliminated from the picture. Not a few economists will be surprised to learn that economics is more of a science than politics, capable of predicting more things in number, bulk, importance, or any other measurement than politics, and that the members of their clan are better equipped to divine the ways of the gods than are the politicians. Perhaps a few Baconian realists will find themselves unable to conceive of politics divorced from economics and ethics, except in the form of the barren linguistic devices employed in scholastic speculation, such as Erasmus celebrated in his *Praise of Folly*.

CHARLES A. BEARD.

New York City.

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The Idea of Social Justice. By Charles W. Pipkin. (New York: The Macmillan Company. 1927. Pp. xiv, 595.)

Whither Democracy? By N. J. Lennes. (New York: Harper and Brothers. 1927. Pp. xi, 370.)

Under the inclusive title *The Idea of Social Justice,* Mr. Pipkin, associate professor of government at Louisiana State University, has prepared a scholarly summary of the social legislation of France and England during the first quarter of the twentieth century. The party, statutory, and administrative histories are knit together in an analytical narrative which marches through the bogs and brambles of fact with a resolute, if sometimes a plodding, gait. When the specialist pursues some intriguing detail of this period, he will be ill-advised to refrain from frequently consulting this chart of the whole which has been so industriously compiled.

Phrasing his speculations in the language of classical theory, Mr. Pipkin believes that "in the same manner and by the same means through which a man becomes good he will frame a state which will be truly good." Thus the animating query of his entire investigation is this: "Has the good life been made definitely a purpose of the community and of the individual in the efforts which have been made to bring about conditions which make the good life possible?" By dipping deeply into the founts of public and private rhetoric, he is able to demonstrate that every significant extension of social control in the past twenty-five years has been instigated, accompanied, welcomed, and sustained as morally right and proper. He is certain that he can discern the steady extension of an inclusive ethical ideal for the state whose steady approximation has profoundly strengthened the state's claim for loyal service from its members.

Mr. Pipkin not only sees these facts. He blesses them. This perhaps explains why he leaps so abruptly from the factual chapters to the ethico-philosophical ones where he proceeds to a rather labored reaffirmation of Mr. Hobhouse (and Mr. Carver). His book would probably be more valuable to the student of politics had he managed this transition by summing up the influences which brought about the ethical attitudes with which he is in sympathy. Just why did the dominant *clichés* of the period arise in Britain and France? If he is right in assuming that without them the state as a social institution would have been on the brink of disintegration, it is obviously important to understand how such stabilizing *mores* were able to take root and flourish.

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Much of the material for a realistic diagnosis lies here and there throughout his remarkably comprehensive treatise, and he could well afford to sacrifice some pages of copious detail for concluding generalizations of this stamp. What, in short, does the experience of England and France show about the circumstances which facilitate or retard the process of adapting public opinion and the state to the repercussions of a sweeping change in the technological foundations of society?

Whither Democracy is an essay in the application of biology to politics. Democracy equalizes opportunity and makes it possible for the intelligent to succeed to the positions of power and prestige in society. Now if intelligence is transmissible, those of superior ability will supply their own successors, and those of inferior ability in turn will supply their own successors. Thus it follows that "In proportion as the ideals of democracy are realized in practice, in that proportion does society tend to become divided into occupational classes with hereditary membership."

The accuracy of this generalization depends upon the accuracy of the physical and mental theories which it assumes. Written for the man in the street, the book presents no original material. Jennings, Galton, Goddard, and Wiggam are treated with equal respect, it seems, and the validity of mental tests of total capacity is rather truculently proclaimed. No one who reads this book will find therein the judicious and cautious spirit which marks the best among the scientists, especially in generalizing about human heredity in a period before the direct experimentation is socially sanctioned.

HAROLD D. LASSWELL.

University of Chicago.

The Political Ideas of the Greeks. By JOHN L. MYRES. (New York: The Abingdon Press. 1927. Pp. 436.)

That the early Greek city-state represented an encroachment of a new political order on an older tribal order is a thesis far from original, but it remained for Professor Myres to develop it with a wealth of linguistic and archeological material that amounts to a distinct contribution to political theory. The author sets forth in bold relief the historical fact that tribal corporations were forced to give way before the irresistible drive of the city-state, and that the solidarity of the family and clan was broken up by "individuals intolerant of communal restrictions or embarked on a way of life which removed or at least

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alienated them from the rest of their hereditary group." The process seems to have been marked by the elimination of customary restrictions and intermediate loyalties, and by the consolidation of state authority over against emancipated individuals. It was a process of political polarization. Out of the welter of tribal, clan, and family relationships, the sovereign state began to emerge, while at the same time the individual citizen was emancipating himself from ancestral custom. Thus the state and the citizen came to stand face to face in the relationship of authority and obedience, without an elaborate hierarchy of intermediate, subordinate, and dependent loyalties. In brief, the new political unit represented the emergence of an early political monism, characterized by a single and unembarrassed allegiance to the state.

Professor Myres is impressed with the timelessness of the political ideas of the Greeks. In fact, his book might be viewed as an attempt to revive and modernize the Greek conceptions of a natural order, of authority, justice, law, and freedom. "Each of these conceptions has had abiding and fruitful influence, and most of all on our modern world on both sides of the Atlantic. Their value, far from being exhausted, is indeed only gradually being revealed."

The mere enumeration of the concepts treated by the author suggests the reflection that the book might properly have been entitled "The Political and Legal Ideas of the Greeks." Not a little space is devoted to a discussion of the early Greek notions of law and justice, heavily fortified, as is the author's wont, with archaeological and philological learning. Parenthetically it might be added that Professor Myres' style is slightly overloaded with Greek verbs and substantives. One needs to arm oneself with a Greek lexicon to be sure of a safe passage through the maze of Greek roots and derivatives. But attention and diligence will bring the reader through to the end, and out into the noonday light of "The Notion of Freedom." How was the inevitable clash between the state and the individual, both alike emancipated from ancestral custom, to be avoided in the interest of liberty? The remedy employed by the Greeks was to apply general rules furnished by the state "to the enterprises and aspirations of the individual, so infinitely and perplexingly various, so as to 'reëstablish' reasonable order without infringement of reasonable freedom." In short, liberty meant to the Greeks the substitution of rational and equitable restraints for arbitrary and irrational restraints. And what more does liberty mean today? In this atmosphere of reasonableness and restraint a fine sense of public responsibility and public service developed. "Only a high sense of

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public efficiency on the part of amateur 'public servants' in all sorts of civil-service business, as well as among the panels of ordinary citizens who reviewed the year's work of such men, kept the routine administration of a city like Athens from chaos."

The book represents a solid piece of research. Whether an exhibition of the tools of research is an inevitable concomitant of such a study, the reviewer is unable to determine, but he misses a certain literary swing and momentum found in a number of other works on Greek political ideas which might be mentioned. However, there is no disposition to pass over lightly the scholarly instincts and the scientific spirit which Dr. Myres, professor of ancient history at Oxford, brings to all of his investigations. His work will endure long after sketchy and descriptive treatises have been forgotten.

WILLIAM H. GEORGE.

University of Washington.

Proportional Representation. By CLARENCE G. HOAG AND GEORGE H. HALLETT. (New York: The Macmillan Company. 1926. Pp. xxii, 546.)

We have long needed an authoritative American exposition of proportional representation. Professor Commons' little book was written thirty years ago, before the great revival of interest in P. R. developed, and was also defective in the lack of attention which it paid to the Hare system; while the books by Humphries and Williams have necessarily been written largely with the British parliamentary system in mind. The present volume, by the scholarly and devoted secretaries of the Proportional Representation League, representing the ripe fruits of fifteen years of study and experience, is by all odds the best study which has been made and should immediately become the standard work upon the subject.

The way in which the use of single-membered districts excludes large minorities from representation, encourages gerrymandering, exaggerates the swings of the political pendulum, and discourages independent candidates and third parties by the ever-present fear of throwing away one's vote, is demonstrated with a mathematical precision and a wealth of detail which should convince all save the most stubborn that another electoral unit is needed. But, to use as substitute the multi-membered district with the block vote is even worse, since this deprives minorities of such representation as they might secure from being concentrated in a few districts.

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Only some form of proportional representation within a multi-membered district will serve to remedy the situation. The authors give a full description and comparison of the two methods by which this may be achieved, namely, by the list system and by the single-transferable vote. The two great defects in the former which are obviated by the latter are: (1) the power which it gives to a party machine, through arranging the order of names on the ballot, of virtually determining who shall be elected, and (2) the compulsion which it exercises upon an elector to vote for parties and not for men. The German method of establishing a fixed quota in advance would, however, seem to have distinct advantages in the way of simplicity over the method of determining quotas which is followed under the Hare system.

The various objections to P. R. are considered in some detail and in the main are effectively refuted. The strongest objection, to which the authors properly devote the most space, is that it would lead to the representation of a large number of groups, none of which would have a majority, with the result that government would consequently be carried on by a series of short-lived and ever-shifting coalitions. Due to the divisions in modern society, such may indeed be one of the results of P. R. Such a situation, however, would not necessarily be bad if governmental employees could only be ensured permanency of tenure irrespective of the shifting of political groups. Such groupings would indeed make the government much more flexible to the will of the people. But they would create other real problems as well, since any such coalition demands compromises and requires the temporary merging of various political and social beliefs into a common program. This may be possible for bourgeois political groups, but it is a virtual impossibility for communist and left-wing socialist parties, based as these are upon a belief in the utter irreconcilability of the interests of the proletarian and the propertied classes. How under these circumstances a country can get a government which will represent the will of the people, and which can carry on, is indeed a difficult problem, although Germany seems thus far successfully to have met the test.

Perhaps the most interesting section of the book to the political scientist is the chapter on the historical development of P. R. The principles of the single-transferable vote are shown not only to have been developed independently by Hare and Andrae, but to have been anticipated by Saint Just and by Thomas Rowland Hill. The latter, indeed, worked out a detailed plan embodying the main principles which had been applied by 1821 in a society in Birmingham; while a

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modification by his distinguished son, Sir Rowland Hill, was also used for a time in Adelaide, South Australia. The latter experiment was one of the influences which aroused Miss Catherine Spence's interest in the proposal and led to her devoted crusade for it. A further instance is thus afforded of the frequency with which social, as well as scientific, inventions and discoveries are made independently by more than one person.

The book is rendered even more valuable by a series of technical appendices which include rules for conducting elections and counting the votes under the Hare system, a comparison of preferential voting with P. R., a detailed analysis of the various list systems, and an abstract of the famous but extremely rare pamphlet (the first written on P. R.) by the Philadelphia Quaker, Charles Gilpin, which was published in 1843.

PAUL H. DOUGLAS.

University of Chicago.

Municipal Administration in the Roman Empire. By FRANK FROST ABBOTT and ALLAN CHESTER JOHNSON. (Princeton: Princeton University Press. 1926. Pp. vii, 599.)

More than fifty years ago the late Professor Freeman published a volume entitled *Comparative Politics.* In view of the currently prevalent usage of terms, it is interesting to recall today that in that book as much space, or indeed a good deal more, was devoted to the institutions of the classical city states and the mediaeval kingdoms as to contemporary France, England, or Germany. Whatever we may now think of Freeman's general point of view and conclusions, it is at least well to be reminded that comparison can and should operate in more than one dimension; that comparison in space at a given moment of time has no divine right to be considered as more illuminating than comparison in time over the same territorial area or a number of different areas. The scientific study of government should have historical thickness no less than contemporary thinness.

Proper recognition of this fact invites the attention of all students of government and political science, even more than of pure "historians," if there be any such, to the new treatment of Roman municipal administration by the late Frank Frost Abbott and Professor Allan Chester Johnson, of Princeton. No man did more to elucidate Roman politics and the practical workings of Roman government than Professor Abbott

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in the series of books published during his lifetime. In the present work, which appears after his death, his contributions and those of Professor Johnson, his pupil and collaborator, maintain the same high level of careful, suggestive, and scholarly workmanship which characterized his earlier writings.

The towns and cities of the Roman Empire were long the basic units upon which the imperial administration depended and through which in the last analysis it functioned. A study of their organization is therefore important, not only in connection with methods of local government, but also as a chapter in the history of the relations between local government and central, shedding light on the whole gamut of political problems to which we refer by the terms centralization, federalism, and imperialism. The present work adds welcome treatment of the details of these problems to the earlier treatment given in *The Municipalities of the Roman Empire* by Professor Reid. While Reid's material is for the most part distributed historically and by geographical areas, the distribution in Abbott and Johnson's more compact work is analytical and topical. The documentation and foot-note references are full and judiciously chosen, a welcome aid in view of the complete absence of foot-notes from Reid's work. The second part of the book, comprising about six-tenths of the total number of pages, consists of a collection of 206 important documents, from inscriptions and papyri, with notes and comments. Here are found the texts of such basic sources as the *Lex Julia Municipalis*, the *Lex Salpensa*, and the *Lex Malacitana*, hitherto available only in Bruns and Girard, as well as a wealth of material illustrating the special institutions of Egypt, to which much attention is given throughout the book.

Three groups of students of politics should be especially interested in this book: first, students of colonial government, who ought to know something of the remarkable success which attended the Roman policy of organizing conquered and backward territory as rapidly as possible into municipalities enjoying a large measure of self-government; secondly, students of administration, who will find food for much thought in the diametrically opposite effects produced by a policy of centralization in the earlier and later centuries of the empire; and, finally, students of social movements and of the relations of politics to its environment, who are invited to survey the paradoxical spectacle of absolute forms of government introduced to promote prosperity by correcting the evils of democracy, and then ultimately going to pieces

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and carrying prosperity down with them in the general ruin because of the destruction of their democratic basis during the prosperous era.

JOHN DICKINSON.

Harvard University.

The Government of European Cities. By WILLIAM BENNETT MUNRO. (New York: The Macmillan Company. 1927. Pp. ix, 432.)

This is an entirely new volume intended to replace the author's work of the same title originally published in 1909. Of the merits of this earlier work it is sufficient to say that it remained for eighteen years the only comprehensive description of city government in England, France, and Prussia available for American students. During that whole period no scholar was tempted to rival Professor Munro's achievement. In the meantime, of course, many changes—some of them of vital importance—have occurred in the municipal systems of these countries. The situation called loudly for a new book, and Professor Munro has given it to us.

The present volume differs both in scope and organization from its predecessor. It includes a chapter on Italian cities and a chapter on Scotch and Irish cities. The chapters on German cities are not entirely confined, though largely so, to the situation in Prussia. Instead of presenting the material relating to each of the more important countries in a single chapter, there are ten chapters on England and eight on France, in each case including chapters on municipal history, central control, suffrage and elections, party activities, the council, etc. There are separate chapters also on London and Paris. German cities are covered in two chapters, one on "German Cities Before the War," the other on "German City Government Today."

Professor Munro has made a more decided attempt than before to correlate American and European experience. The English and French portions of the work are dotted rather thickly with references to American municipal institutions and problems. There are undoubtedly great advantages from the classroom point of view in tying up what the students already know with the subject immediately before them. The reader is constantly obliged to compare American with French or English conditions. This serves to make the foreign material easier to understand and at the same time forces a review of earlier studies. There is some room, however, to fear that the constant references to things American somewhat mars the perfection of the author's exposition for foreign readers. These references are necessarily brief and sometimes,

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perhaps, may possess unfortunate connotations for those not familiar with the author's complete opinions on American city government.

Professor Munro has written, very obviously, with the American reader—and especially the American college student—in mind. The book is to be judged primarily from his success in reaching his chosen audience. The style is clear and interesting. The material is admirably arranged and presented with a clarity which is typical of all Professor Munro's writing. Students—this statement is based on long experience with "Munro" in many forms—find his books easy to read and to absorb. *The Government of European Cities* in its new form is no exception to the rule. In fact, this volume, in one respect at least, is more interesting than the old one. It contains a great deal more of the author's personality. He has not hesitated to comment freely upon a variety of subjects nor to express his own opinions with great rhetorical effect. This makes good reading for anyone and is adored by students too much bored with dry-as-dust compendiums of fact and principle.

It is to be regretted that the author felt obliged to cut the treatment of German cities from one hundred to forty pages. The importance of German cities has in no wise diminished since the war. In fact their struggles and expedients are more significant than ever, now that they are on a democratic basis. It is, however, extremely difficult to obtain data concerning their post-war condition. The safest course for an American writer, therefore, is to confine himself, as Professor Munro has done, to a description of their bare legal outline. It is possible also to read between the lines a strong sense of disillusionment as to the merit of pre-war German city government. The author evidently felt that he had done too well by the Prussian system in his original work, and he has made his criticism of it intense almost to the point of denunciation. As to what, if anything, has replaced the spirit of the old Prussian municipal administration, time alone can show. Professor Munro would be the last to assert that he has given a final and wholly adequate account of modern German cities. Perhaps he will give us that five or ten years hence.

The same general limitation has rested heavily upon him in dealing with Italian cities. Politics may be present history, but some perspective is necessary for even the most elementary political generalizations. It is a tribute to Professor Munro's scholarship that he has attempted nothing beyond a mere statement of the facts concerning the decrees of the inscrutable Duce.

THOMAS H. REED.

University of Michigan.

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The Missouri Crime Survey. EDITED BY RAYMOND MOLEY. (New York: The Macmillan Company. 1926. Pp. xxvi, 587.)

This report of the survey undertaken by the Missouri Association for Criminal Justice is the most important contribution yet made to the solution of the problem of administering criminal justice in the United States. The published survey includes reports on the metropolitan police systems, by Bruce Smith; the sheriff and the coroner, by Raymond Moley; preparation and presentation of the state's case, by Arthur V. Lashly; judicial administration, by Arthur V. Lashly and J. Hugo Grimm; bail bonds, by Raymond Moley; ten years of Supreme Court decisions, by J. Hugo Grimm; a statistical interpretation of the criminal process, by C. E. Gehlke; necessary changes in criminal procedure, by Herbert S. Hadley and Jesse W. Barrett; record systems, by James E. Boggs and William C. Jamison; mental disorder, crime, and the law, by Dr. M. A. Bliss; and pardons, paroles, and commutations, by A. F. Kuhlman.

Most important, the survey did not end merely with a printed report. The chairman of the survey committee, Guy A. Thompson, to whom the report is appropriately dedicated, is primarily responsible for the investigation of crime conditions in Missouri, and has, in addition, largely borne the burden of presenting the recommendations of the survey to the state legislature of Missouri in the form of concrete recommendations for improvement.

The survey presents in printed form a thorough analysis of the administration of the criminal law in a typical state. To a person not familiar with present practices, one of its most startling disclosures is the fact that, in a large number of cases, pleas of guilty are the result of bargaining in which the accused gains leniency and the prosecutor a paper record of achievement, while the public interest suffers (pp. 148–150). Perhaps it may be safely said that in communities outside of Missouri (if not in Missouri) there is some evidence that in such cases the prosecutor gains more than a mere record of achievement. Where immunity is purchasable, it will be purchased, and the coin with which the purchase price is paid is determined by the boldness and cupidity of the prosecutor. The possibility of purchase exists when substantially uncontrolled discretion as to prosecution and penalty is vested in one person.

With reference to technical defects in indictments, the reader will fail to discover in this volume any reference to the famous discussions by the Supreme Court of Missouri of the question as to whether an

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indictment is defective because of the omission of the word "the" from the concluding phrase prescribed by the state constitution. See State v. Campbell, 210 Mo. 202, and the more intelligent view taken in State v. Adkins, 284 Mo. 680. These cases, perhaps more clearly than any discussed in the present volume, show the tendency toward a more liberal view by the courts with respect to technical defects in indictments.

Where a report has done so much, it may be improper to criticize it for not doing more. The report makes a valuable contribution to the field of administration, of which the reviewer regards procedure as a part, although its recommendations are sometimes more conservative than might be justified by its findings of fact. But the reviewer feels that an investigation of the administration of a system of law cannot produce the best results unless founded upon an analysis of the substantive principles of the law being administered. How much, if any, of the defect in administration is due to defects in the thing administered? This and prior investigations in the same field proceed on the assumption that the system is proper, but its administration bad (p. 11). But penalties for criminal offenses have grown up through legislative enactments, without reference to consistency, and there has been an enormous increase in statutory crimes. The actual effect of statutory penalties has been modified by "good-time" and parole laws. The Missouri Survey recognizes these factors (pp. 496–500), but makes no real analysis of their influence, although it presents the most valuable analysis now in print of the operation of pardons, paroles, and commutation. Not only this, but in the development of crime, felonies and misdemeanors are too closely linked to be effectively severed for purposes of study.

The Missouri investigation should accomplish great good on the administrative and procedural side, to which it is expressly limited, and there are necessarily limitations of time and cost in any investigation. But investigations of this character tend to become stereotyped, and it is hoped that the limited scope of the Missouri survey will not deter other states from expending the time and incurring the cost involved in an investigation of the substantive rules of criminal law as well. The Missouri report itself seeks to guard against an assumption that its investigation is complete, or that the problems of Missouri are necessarily the same as those of other states.

WALTER F. DODD.

Yale University.

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France. By Sisley Huddleston. (New York: Charles Scribner's Sons. 1927. Pp. xiv, 613.)

L'Organisation de la République pour la Paix. By Henri Chardon. (Paris: Les Presses Universitaires de France. 1926. Pp. xxvii, 163.)

Réflections d'un Républicain Moderne. By A. François-Poncet. (Paris: Bernard Grasset. 1925. Pp. 135.)

Prolonged residence in France as the correspondent of English and American newspapers has brought Mr. Huddleston into contact with the men who are shaping French life in literature, business, and politics. It has enabled him to peer below the surface, to visualize some of the hidden forces that are at work, and to escape the formalism of the ordinary text-book. He seems to understand the rather baffling Gallic temperament. Over and over again, in a picturesque phrase or a casual observation, he throws sudden light upon obscure practices and motives. He seizes upon the little significant things: the prejudice against using bank checks, which gives point to his criticism of obsolete financial methods; or the ritual employed in buying theatre tickets, which suggests that bureaucracy is by no means confined to the government offices. His vignettes of the leading politicians are admirably done. The passage in which he depicts the younger generation, at once gloomy and gay, seeking pleasure as never before and yet suffering from ennui, indicates at once literary craftsmanship of a high order and the author's preoccupation with contemporary manners.

Nevertheless, as a study of the France of to-day, the book is not altogether adequate. Mr. Huddleston has, for example, lost himself in a maze of unfamiliar history. We may forgive him for taking us back to Roman Gaul, or even to pre-Roman Gaul, since, in his opinion, "the essential France was created by the long Roman civilization." But if the majestic flood of the Third Republic can really trace its source to that remote period, we have only his word for it. On the return journey, covering some two hundred pages of difficult travel, he does not follow the course of any expanding stream of institutional development. There is a lot of history, but not history of the right kind; and the bibliographies which accompany the narrative reveal either a lack of acquaintance with certain writers of authority or else a very erratic judgment. The strangest aspect of all, considering the purpose of the book, is the gradual evaporation of the author's historical ardor as he approaches recent times. There are, it is true, two excellent chapters that survey diplomatic events before and after the late war.

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But everything else ends with the election of President Fallières in 1906. "It would be wearisome," we are told, "to follow in detail the subsequent domestic history of the Third Republic."

As to current politics Mr. Huddleston is more interested in personalities than in institutions. Indeed, he makes no attempt to describe the government systematically as Bodley did. He leaves out a great deal that most certainly belongs in the picture and scatters the rest about in a most perplexing fashion. Without the help of an index—what purports to be an index is a very incomplete catalogue of proper names—it is no easy task to discover the odd nooks and crannies in which the fragments have been hidden away. In some cases they might well have been hidden away more carefully. Their discovery gives something of a shock. It is a little startling to come face to face with the statement that the *scrutin de liste* which Gambetta supported was a "false and futile species of proportional representation," and that the Council of State "is the supreme authority in the interpretation of the laws."

M. Chardon, on the other hand, surveys the political mechanism with an informed, an orderly, and a critical mind. Not only has his forty years' service as a member of the Council of State given him an understanding of the concrete problems of government, especially on the administrative side, but he has shown himself, in his various writings, neither a slave to mere tradition nor a devotee of impracticable theories. Here, it is true, he makes a few violent gestures. In his advocacy of a federated Europe he denounces "state" and "national sovereignty" as impostor terms; he tells the rulers that they no longer incarnate the majesty of God or of the people, being "simply the instrument of our individual lives." But the state, rebaptized as the nation, seems to survive after all; and, perhaps by oversight, national sovereignty reappears on occasion as the sovereignty of the people. We observe, further, that in appraising proposed reforms M. Chardon's temper is conservative. While favoring an extension of the public services, he regards private property as an essential feature of civilization; while favoring administrative decentralization, he is steadfastly opposed to the fad of regionalism. He likewise condemns another fad, the idea of a professional or economic parliament. "We don't want it," he says; "France is not a domain of corporations; the Revolution did well in dissolving them and in placing individual liberty above everything else." What may be called, perhaps, the central theme of the book is the insistent demand for an enlargement of administrative independence and authority. Democracy has put too much faith in elections. "The exag-

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geration of what we call politics has devoured France like a cancer; the proliferation of useless and diseased cells has stifled the life of the nation." Parliament must confine itself to the function of control and leave with the permanent civil service both initiative and responsibility. "It is absurd to say that democracy is inconsistent with authority. Democracy needs a solid frame-work more than a monarchy does."

The same disillusionment with democratic politics permeates the thought of M. François-Poncet. Distrust formulas, he says. "Defend democracy against its chief enemy, that is to say, against itself. Maintain the principle of authority." Entrust to the élite the functions that they alone are capable of discharging. France has been described as the victim of her professors. "For my own part, I think that she will be saved only by the professors or, if you like, by a vast enterprise of propaganda and education, conducted by virtuous democrats. Otherwise barbarism will develop. European culture will collapse, this time not from the shock of foreign invasions but from internal decomposition."

EDWARD MCCHESNEY SAIT.

Pasadena, California.

Italy and Fascismo. BY LUIGI STURZO. Translated by Barbara Barclay Carter. (New York: Harcourt, Brace and Company. 1927. Pp. xii, 305.)

Fascism. BY GIUSEPPE PREZZOLINI. Translated by Kathleen Macmillan. (New York: E. P. Dutton and Company. 1927. Pp. xv, 201.)

"I shall endeavour to keep this book free from party hatred, sweeping assertions, predictions, malice, bitterness or apprehension" and "to cut out regrets and recriminations," says Signor Prezzolini. Similarly, Don Sturzo adopts the rôle of an "impartial critic." The intriguing priest, as Fascists have styled him, lets no word of rancor betray his emotion as he surveys the ruin of the Popular party which he created and, in a few short years, brought abreast of the Socialists in parliamentary strength. Indeed, both authors display an admirable temper, approaching, though not always achieving, judicial impartiality.

Even so, the judge must decide the cases that come before him; and, however guarded his language may be, any prejudice or bias is likely to color his decisions. It is evident, for example, that Sturzo cannot gaze upon the physiognomy of the dictator without a shudder of distaste. Mussolini is "a subversive demagogue, a man of theatrical

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pose and mediocre culture, possessing the brilliant qualities of the extemporizer and none of the scruples of those who, convinced of an idea, fear to be false to it. His mind, given to excessive simplifications, is bound to no formula; he can pass from theory to theory, from position to position, rapidly, even inconsistently, with neither remorse nor regret. In this game he has one constant aim—to lay hold of the elements of imagination and sentiment that make for success. . . . . Another quality which he possesses is his constant ability to seize the moment, to profit by circumstances, to hold in check the most experienced and shrewdest men, to come out of a tight place with ease and elegance. . . . . His friends and companions he holds in esteem so long as they are useful to him; he fears them when he cannot do without them; he abandons them to their fate when they are in his way." It is not a flattering portrait. Prezzolini, likewise, paints his Cromwell with a mole: Mussolini is a man of will rather than intellect, defaced by "plebian grossness" and "little vulgarities." But, notwithstanding the blemishes, he still remains the first Italian statesman who has not been twenty years behind his times. "Mussolini was the man of this historic moment, with his urge for action at any price. He was the man who at this crucial moment was found ready, as no other man has ever been, to answer the call for a dictator."

According to Prezzolini, the dictator has shown little wisdom in his choice of colleagues and confidants. At the outset, of course, when the patronage of public office came into his hands, he was subjected to a great deal of pressure. Those who had participated in the march on Rome—no matter how mean their station in life and their natural aptitudes or experience—thought themselves entitled to the highest offices. In his disdain of mankind Mussolini looked upon them all "as scum and sluggards," but "he allowed the most intellectually and morally worthless people to group themselves about him under the authority of his name." Prezzolini shows little reserve in dealing with this disreputable element. He speaks of "the fundamental corruption of Fascism," a theme that interests Sturzo as well; and he concludes that the principal enemy of Fascism is not conquered Bolshevism or impotent Socialism or waning Liberalism, but Fascism itself. "From the day when he [Mussolini] formed an exclusively Fascist ministry began his conflict with Fascism. His most serious troubles, his most insuperable obstacles, his severest threats, have always come from the Fascists."

Both these writers, like Bonomi, combat the notion that Mussolini should be regarded as a beneficent antidote to anarchy, that social

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chaos threatened Italy on the eve of the march on Rome. Prezzolini says that "Facism was, in actual fact, the outcome rather than the cause of the disruption of Communism." According to Sturzo, "there was no peril of Bolshevism in Italy, nor did Fascism save her from it." The argument is not very convincing. Whatever the real situation may have been, the people did believe in the existence of a Red peril. There was a widespread conviction among the general public, Prezzolini complains, that they owed their deliverance to Mussolini; "every one looked to him for social peace, were it at the price of their liberty;" "the exasperated middle classes were prepared to take any steps to regain their rights." It was a case of mass-psychology, says Sturzo: "Italy became a prey to suggestion, to unreasoning fear and unreasoning hope—the fear of Bolshevism, when Bolshevism had been overcome two years before after the occupation of the factories." These observations invite a rejoinder: The people may or may not have been mistaken; the important fact is that Mussolini appeared to them as a deliverer.

The two books are not of equal value. Prezzolini's is sketchy, disconnected, and somewhat superficial, bearing the marks of hurried composition; no doubt the numerous lapses in grammar and occasional obscurities must be laid at the door of the translator. Sturzo brings to his task a splendid equipment: scholarship, perspective, philosophical breadth of view, and the insight of the practical politician. His study of Fascism, coming down to April, 1926, is the most complete that has appeared and the most informing.

EDWARD MCCHESNEY SAIT.

Pasadena, California.

The Racial Basis of Civilization. By FRANK H. HANKINS. (New York: Alfred A. Knopf. 1926. Pp. x, 384.)

Man and Culture. By CLARK WISSLER. (New York: Thomas Y. Crowell Company. 1923. Pp. xii, 371.)

The American Race Problem. By E. B. REUTER. (New York: Thomas Y. Crowell Company. 1927. Pp. xii, 448.)

Foreign Rights and Interests in China. By WESTEL W. WILLOUGHBY. (Baltimore: Johns Hopkins Press. 1927. Two volumes. Pp. xxxvi, xvii, 1153. Second edition.)

Turkey. By ARNOLD J. TOYNBEE AND KENNETH P. KIRKWOOD. (New York: Charles Scribner's Sons. 1927. Pp. xvi, 329.)

Europe and Africa. By NORMAN DWIGHT HARRIS. (Boston: Houghton Mifflin Company. 1927. Pp. xviii, 479. Second edition.)

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The South Africans. By Sarah Gertrude Millin. (New York: Boni and Liveright. 1927. Pp. 287.)

Max Havelaar. By Multatuli. (New York: Alfred A. Knopf. 1927. Pp. ix, 312.)

The Acquisition and Government of Backward Territory in International Law. By M. F. Lindley. (New York: Longmans, Green and Company. 1926. Pp. xii, 391.)

This group of books is another evidence of the growing importance of the relations between the lighter- and the darker-skinned peoples of the world. These relations are many-sided, involving not only political and economic history, and international law, but more subtle factors called the conflict of cultures, of civilizations, and of races. The political scientist must not pretend to be an expert in all of the aspects of the racial problem. But he cannot afford to ignore the researches of the sociologists, the psychologists, and the anthropologists, who are trying to determine just what is meant by terms which political scientists have repeatedly used, but seldom adequately defined. All of us believe in something called "western civilization." Many of us believe it is something which is the product of the "white race" and that it is the "highest" civilization the world has ever seen. Others find it difficult to understand what is meant by the word "civilization," "white," and "race." A good deal of light on this subject is cast by Professor Hankins in his study on the *Racial Basis of Civilization* and by Dr. Clark Wissler in his book on *Man and Culture.*

After an examination of the racial schools of the past, ranging from Aryanism to Nordicism, Professor Hankins turns to a systematic treatment of the question of race. He shows that there is no such thing as purity of race among peoples who have undergone cultural evolution. He defines race "as an ensemble of physical traits, each more or less variable, all inherited as an ensemble within their limits of variation, and sufficiently distinctive when taken together to mark off their possessors from other members of the human species." He shows how difficult it is to make absolutely conclusive inter-racial comparisons, and he emphasizes the conclusion that the variations of individuals within a racial group are of more importance than variations between racial groups as a whole. At the same time, he agrees that racial qualities help to mould cultural evolution and he thinks there are good grounds for believing that general intelligence of an unusually high order appears with less frequency among some races than among others. One race

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may be superior in one desirable quality and another in a different quality. He makes the interesting suggestion that "race mixture is an essential factor in the fertility of a group in those varied types of super-talent which are the real creators of the higher products of civilization."

Mr. Wissler, the well-known anthropologist, approaches the problem from another point of view. He is less concerned with definitions of what we call "culture" or "civilization." After an examination of the human species, he concludes that during the last five hundred years, there have been only two types of higher cultures—the Euro-American type and the Oriental type; and about fifty types of primitive cultures. The former type stands out because of its mechanical features, ranging from the railway to the airplane, and of more idealistic practices, such as the support of an institution known as the church, the observance of Sunday, and the codification of law. The fundamental difference between the advanced and the primitive cultures is the degree of rationalization assumed toward the functions of group life. He believes that when a group comes into a new solution for one of its culture problems it becomes zealous to spread that idea abroad; every group believes that its culture is superior to that of other groups. His own conclusion is that "no one racial strain, like the Nordics, for example, can lay claim to more than an incidental contribution to culture as a whole." In reality, culture is a complex, "built up by slow and painful accretions;" the centers for a culture type shift from one group to another.

Some such conceptions seem to dominate Mr. Reuter's study of the *American Race Problem*, which is a very important aspect of the problem of racial adjustment throughout the world. After a statistical examination, he comes to the conclusion that while there are wide differences between the negroes and the whites, these differences are not uniform and do not seem to indicate any "marked superiority or inferiority of one race as compared with the other" (p. 73). In an examination of the army intelligence tests, he points out that the showing made by the northern negroes was much better than that made by southern negroes, which he believes was due to difference in schooling. Excellent chapters on negro health, family life, economic status, education, literature, religious life, and delinquency follow. The author does not believe that racial prejudice in America will be overcome as long as distinguishable physical marks of race remain. But he closes with the significant sentence, with which many readers will not agree, that "As a result of intermixture the negroes as such ultimately will disappear from the population and the race problem will be solved."

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More spectacular, perhaps, than the racial problem in America has been the nationalistic movement of two of the so-called "client" states —Turkey and China—to throw off the white man's control. This movement in Turkey is treated sympathetically—one might add over-sympathetically—by Messrs. Toynbee and Kirkwood. The authors talk of the reformation in the political and social system of Turkey as if the process were as simple as changing a suit of clothes. Despite the adoption of European fashions and legal codes, it is improbable that the Turkish people have so soon escaped from the past. Professor Willoughby, in his standard treatise, confines himself to the rights of foreigners in China. This second edition of an invaluable work combines the first edition and the material separately published by the author in *China at the Conference* and *Opium as an International Problem.*

Africa is still another part of the world where the racial question is becoming more and more serious. Sarah Gertrude Millin, the well-known novelist, has very successfully applied her literary skill to a popular presentation of the race problem in South Africa. Fascinating chapters describe the background and the present political situation of the country; while the last two parts of the book discuss the people who constitute the "racial problem." There are chapters on the Boers, the English, the Jews, the Asiatics, and the Half-Castes or "colored" people. The author realizes, however, that the fundamental racial division is not between British and Boer, but between the "Kaffir," as the native is called, and the white. Anthony Trollope said upon his visit to South Africa that it "is a country of black men and not of white men." Mrs. Millin does not know whether he was right or whether he was wrong. "No one is as wise as Destiny."

A view of the African continent as a whole is given by Norman Dwight Harris, who has done much more than change the name in this second edition of his well-known volume. Tracing the developments in Africa since the close of the World War, he gives especial attention to the Indian question in Kenya, the independence of Egypt, the new status of the Rhodesias, and the African mandates. He describes not only the history, but the present administration, of many of these territories in a way which makes this volume probably the best history of Africa that has been written.

Another view of the control of the colored by the white peoples is given in *Max Havelaar; Or the Coffee Sales of the Netherlands Trading Company*, a Dutch novel first published in 1860, by Edward Douwes Dekker, writing under the name of Multatuli. It is a description of the

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evils of the culture system which at that time prevailed in the Dutch East Indies and which were, in part at least, done away with as a result of this book, which is now published in an English translation, apparently for the first time.

Most of us have been led to believe that the white peoples have been wholly unscrupulous in establishing and maintaining control over darker peoples and that, in seeking this end, white peoples have been animated only by selfish motives. It is with agreeable surprise, therefore, that one reads the book which Mr. Lindley has written to show that the European governments have followed, or tried to follow, certain principles of international law in their relations to the so-called backward territory of the world. In Part I of *The Acquisition and Government of Backward Territory in International Law* the author lays down the rules under which territory may be acquired, and in Part II he discusses the capacity to acquire territorial sovereignty. In an interesting chapter on "effective occupation" he shows that even with regard to territory outside the scope of the Act of Berlin, a valid title to backward territory depends upon the existence of an administration sufficient for the protection of life and property. To the reader interested in the political as well as the legal aspects of this question, a more detailed discussion of what is meant by an administration sufficient for the protection of life and property, and whether or not primitive governments are able to provide such an administration, would have been welcomed. The latter part of the book discusses whether the duties of the sovereign with respect to the natives are legal duties. Apparently the only duty prescribed by international law, apart from specific conventions, is the duty to prohibit the slave trade. In a chapter on "native property" the author states that the protecting power cannot deal with property within protected territory. But, apparently he is not aware that the government of the East Africa Protectorate alienated thousands of acres before the territory was annexed in 1920; and that the British government today freely alienates land in the protectorates of Uganda and Northern Rhodesia.

While Mr. Lindley has assembled an immense amount of information, there are many legal questions which he does not discuss, notably the countless differences of opinion arising out of the Act of Berlin, the Liquor Convention of 1919, the mandates, and other international documents applying to Africa. There is a vast amount of jurisprudence in regard to the validity of treaties, in their relation to land tenure in French West Africa, which the author ignores. Neither does he discuss

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the legal problems arising out of the concessions granted in French Equatorial Africa and the German Cameroons, nor the different type of problems which have arisen out of the concessions granted by the king of Swaziland.

Since the author is a lawyer, the approach to this subject is necessarily formalistic. It is difficult to discuss what the principles of international law in backward territory should be unless one knows what the problems of administration in such territory are. The principal object of international law in these areas should be to regulate administration with a view to securing the acceptance and enforcement of certain standards. Only when international lawyers know what the administrative problems are, will they have a basis upon which to work.

RAYMOND LESLIE BUELL.

Foreign Policy Association, New York.

Exterritorialité et Intérêts Étrangers en Chine. By GEORGES SOULIÉ DE MORANT. (Paris: Paul Geuthner. 1925. Pp. xvi, 508.)

China and the Powers. By HENRY KITTREDGE NORTON. (New York: The John Day Company. 1927. Pp. xi, 264.)

China and Her Political Entity. By SHUHSI HSÜ. (New York: Oxford University Press. 1926. Pp. xxiv, 438.)

M. de Morant's purposes are set forth in his brief foreword: (1) to examine thoroughly the real value of the privileges whose abolition is sought by China, (2) to define the significance of extraterritoriality, and (3) to discover how far China, by the abandonment of a part of her rights and by the creation of numerous foreign interests, finds herself at present under the tutelage of a group of foreign powers who protect and develop her in spite of herself. "Each chapter of this work," he says, "will demonstrate the unique position which has been acquired peacefully by France and the preponderant rôle which, thanks to her pacific sentiments and to the subtle foresight of her juridical spirit, France plays in the defense of European civilization in Asia."

The "subtle foresight" of French diplomacy consisted chiefly in having so phrased the most-favored-nation clause as to enable France, while repudiating any fresh obligations, to claim any rights acquired by the other treaty powers. In Chapter XVI, however (pp. 334–337), the author points out how French "prévoyance" has redounded to the benefit of the West as a whole. Of all the treaties signed by China, the French treaty alone (treaty of 1858, Art. 40) reserves to the western signatory

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the *sole* right of demanding treaty revision. By the operation of most-favored-nation clauses, this French right is shared by all the other treaty powers. Hence "l'édifice tout entier de l'exterritorialité et par conséquent de la civilisation européenne en Chine repose, on le voit, sur le traité français."

M. de Morant is not altogether convincing in his efforts to establish beyond question the legal validity of the foreign rights which hold China in tutelage. Upon a foundation of treaty provisions he erects a fragile superstructure of interpretation and "coutume diplomatique" which, if admitted, effectively deprives China of the last vestiges of her sovereignty (e. g., see his denial, pp. 26–27, of China's right to exercise jurisdiction over the citizens or subjects of *non-treaty* powers).

Exception will also be taken to the author's attempt (pp. 10–11) to prove that "extraterritoriality was established and organized in China before the first treaties." Few will agree that the local Chinese authorities, during the period prior to 1843, "contented themselves with assigning as residences deserted places far from the great cities . . . . , leaving the foreigners to govern themselves as they pleased." The appointment of a French consul in 1776 and of an American consul in 1786 did not mean extraterritoriality. Despite the British orders in council, of 3 & 4 William IV, establishing the judicial functions of H. M. Superintendents of Trade for China, British extraterritorial jurisdiction in China did not exist until after the enactment, in 1843, of the General Foreign Jurisdiction Act.

The sections on Chinese tribunals, the mixed courts, and the various foreign courts in China contain valuable material, although the reviewer must question the statement (p. 130) that the United States Court for China has power to impose the death penalty; the assumption (p. 141) that American consular courts possessed that power is demonstrably false. The last eight chapters (XVI–XXIII) discuss the various ways in which China has been "protected and developed by the powers."

Mr. Norton is one of those who regard as a "red herring" China's present agitation for the abolition of "unilateral treaties." While recognizing (in Chapter VIII) that the collapse of China's ancient social and political organization was partly occasioned by the new world-relations which have developed since the opening of the nineteenth century, he puts the blame for China's chaotic condition primarily upon the ineptitude of the Chinese people and the dishonesty of their officials. Many will take exception to this thesis and to Mr. Norton's somewhat

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flattering interpretation of the rôle which has been played by the United States.

Eight chapters of the book (Chapters I–II and VII–XII) deal with "the validity of the republic," "foreign rights and Chinese protests" and the various political, social, and economic aspects of present-day conditions in China. Chapters III–VI are devoted to the policies and interests of the four most interested foreign powers: Great Britain, Russia, Japan, and the United States. The headings of these four chapters are sufficiently descriptive: "The Champion of the Occident," "The Russian Bear Ambles Eastward," "The Champion of the Orient," and "The Interested Referee." Written for the general public, the book has the virtue of being extremely readable.

On the title-page of Dr. Hsü's book appears the sub-title: "A Study of China's Foreign Relations with Reference to Korea, Manchuria, and Mongolia." This sub-title indicates the scope and purpose of the work. Although his concluding chapter—"Developments since the Revolution"—brings the study down to the year 1924, the author makes no attempt to solve the whole problem of China's internal and international difficulties. His closely-written monograph deals almost exclusively with China's loss of sovereignty in her outlying possessions and dependencies north of the Great Wall.

Modern western writers are prone to regard Russia as the greatest threat to China's territorial integrity; but Dr. Hsü has devoted far more space to the consideration of Japanese policies and aspirations than to those of Imperial and Soviet Russia. He looks upon the retention of Manchuria as of vital importance to China and, in his preface, expresses the hope that the tendency "to acquiesce in accomplished facts" shown by the United States at the Washington Conference is merely a temporary aberration of American foreign policy. "To compromise with Japan upon Manchuria," he says, "would be equivalent to letting China remain in the death embrace of her neighbor."

There may be those who will criticize some of Dr. Hsü's conclusions; but few serious students of Chinese history will refuse tribute to the service which the author has rendered by making available a quantity of valuable Chinese source material. Unlike Mr. Norton's book, Dr. Hsü's study will make little appeal to the general reader; but it will be of great use to the student and should find a place on the shelves of every well-stocked library.

G. NYE STEIGER.

Simmons College.

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Ten Years of War and Peace. By Archibald Cary Coolidge. (Cambridge: Harvard University Press. 1927. Pp. viii, 276.)

From Versailles to Locarno, A Sketch of the Recent Development of International Organization. By Harold S. Quigley. (Minneapolis: University of Minnesota Press. 1927. Pp. 170.)

Both of these books deal with international relations, and both are concerned mainly with the past ten years; but their content has little in common. Both are popularly written, both subordinate details to an exposition of major tendencies, and both display moderation, balance, and objectivity. The historian, however, is interested in motives and results, while the political scientist discusses methods and machinery. Professor Coolidge's book will be as useful to students of recent diplomatic history as will Professor Quigley's to students of international organization.

Ten Years of War and Peace consists of ten articles most of which appeared in *Foreign Affairs* from 1922 to 1927. In his preface the author notes that it is apt to be unwise to warm up cold victuals, but the reader will feel that in this case the meal is well worth his attention. The ten years surveyed have been eventful ones, not free from passion and lapses of judgment by even the wisest. The reader who wishes to believe that the pursuit of history makes for sanity and impartiality will receive solace from this book. The author always understands and never criticizes. He is not sarcastic, although he furnishes ample data for the satirist.

The first article, "Russia after Genoa and the Hague," is not only of timely interest, now that the Soviets have again gone into conference with the West, but is an admirable example of objective treatment. Professor Coolidge describes the opinion of Red Russia entertained by America and Western Europe in 1922 and the Bolshevists' opinion of themselves and of the world, without betraying sympathy or antipathy for either. He is not interested in the merits of either opinion but in its causes and consequences. Of the latter it was too early to judge in 1922. Perhaps it is in 1927. We may note, however, that even so astute a judge as our author failed in prevision of American policy as of 1927 when he wrote, "To recognize the government of a country does not imply that we admire it" (p. 37). It now appears that, in parts of the world at least, American recognition means not only approbation but positive support. It also appears that Professor Coolidge, like others, somewhat underestimated the tenacity of the Soviet's hold in Russia.

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Equally objective is the estimate of two years of American foreign policy under President Harding. If America's moral prestige declined during this period, her material position was unimpaired (41). If her attitude toward the League was ungracious (p. 46), the Washington Conference may rank high in history (p. 55). If her foreign policy was not such as to make the heart beat quicker with patriotic pride, it was generally wise and cautious. The government looked well after American interests and secured "equal opportunities," even if in doing so it failed to admit "equal responsibilities" and confined its altruism to direct charity and pious homilies (pp. 74–75).

An able article on the Monroe Doctrine sees behind its vigorous assertion today signs of "dissolution from within or absorption in some broader humanitarian ideal" (p. 105). The title article, which appeared ten years after the outbreak of war, justly balances the progress and destruction of the war and peace. Imperialism began to wane, nationality came to its own, and internationalism made great gains. Though "the decay in the ancient loyalty to the throne and the altar and in the belief in privilege as a right is no new thing, the war has accelerated it" (p. 138). Other *Foreign Affairs* articles deal with "After the Election" of 1924, "Dissatisfied Germany," and "The Grouping of Nations", in which Count Coudenhove Halergi's Pan-Europe suffers. "Nationality and the New Europe," written in 1915, does not anticipate the extent to which the new map of Europe would follow national lines. Who in 1915 could suppose that both Russia and the Central powers would be defeated? The concluding article on "The Break-up of the Hapsburg Empire" deals with a question on which the author was an expert at the Peace Conference.

Professor Quigley's book is perhaps the best brief account of the League of Nations and its work. It is not technical nor legalistic. It does not aim to be comprehensive, nor does it attempt to analyze the philosophy of the League as did Professor Rappard in his Williamstown lectures. It tells simply and directly how the council, the assembly, the secretariat, the labor office, and the world court do their work, and in the first chapter notes the most important contributions of this work to the stabilization of Europe.

The text of the book is the substance of four lectures given by the author in Minneapolis and is in part the product of the trip to Europe of fifty American professors in the summer of 1926 under the auspices of the Carnegie Endowment for International Peace. It avoids details and emphasizes the really important political problems of the League such as

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Germany's admission, the number and selection of council seats, and the relation of ententes and groupings of nations to the League's work. The entrance of Germany to the League, thinks the author, assures that major problems of Europe will be handled through its agencies.

The relative rôles of the council and the assembly are considered, and the writer fears, as did some of the orators at the seventh assembly, that the latter body may lose in importance through the increase in the council. Such a result, he thinks, might "forfeit the League's main assurance of success—the confidence of the peoples of the world." "Its [the assembly's] great function has today become the application of a critical and independent point of view to the proposals or the activities of the council and the secretariat and to incidents which may happen outside the League's organization" (pp. 23–24).

Typical cases and problems and the method of treating them by the League's organizations are considered. The book is equipped with a well-selected bibliography, an index, and an admirable collection of texts. The writer knows of no other place where the leading documents relating to present international organization can be so conveniently studied.

QUINCY WRIGHT.

University of Chicago.

A History of American Foreign Policy. By JOHN HOLLADAY LATANÉ. (New York: Doubleday Page and Company. 1927. Pp. xiv, 725.)

A History of the Cuban Republic. By CHARLES E. CHAPMAN. (New York: The Macmillan Company. 1927. Pp. xii, 685.)

If interest in foreign relations in the United States were accurately measured by the number of books on American foreign policy recently issued and announced, the United States Senate might well be inclined to take heed of its future activities in this field. Furthermore if it be conceded that present policies have their roots in the past, no better background of past achievements could be obtained by the aforementioned Senate than this authoritative and interesting survey of the foreign policy of the United States by Dr. Latané. It is not a mere compendium of facts but a logical correlation accompanied by a keen and intelligent interpretation. Withal, there is a fine sweep to the narrative, all the more remarkable considering the careful attention given to the essential details.

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The author has attempted to combine topical and chronological treatment, and he has achieved a very considerable degree of success. To make the coherence greater he has divided the book into six parts, each of which represents a definite era of development. The titles give a good idea of the author's method of treatment: Part I, Republican Principles and Ideals; Part II, The Defiance of the Old World; Part III, Rounding Out Borders and Looking Over Seas; Part IV, Safeguarding the Union; Part V, Expansion in Caribbean and Pacific; Part VI, Intervention in Europe.

The introduction is devoted to a brief, but critical, analysis of the more important collections available to the student; while the footnotes cover the principal secondary sources consulted by the writer. Inasmuch as these references are not collected into a bibliography, it is to be regretted that the initials of the authors are not given, at least the first time they are cited. There might be objection raised to the large number of direct quotations from documents—almost one-fourth of Chapter IV is quoted—but for reference or text-book purposes no better method can be employed. Furthermore, the quotations are so well selected that even the general reader will find them to be an integral part of the narrative.

Friends of the Hamiltonian school may feel that Dr. Latané exhibits rather a critical attitude toward their idol in comparison with his very friendly, if not partial, attitude toward Jefferson. But there will always be an unbridgable gulf in this area of political opinion.

The book is remarkably free from inaccuracies, although there are places where an argument might easily be raised. For example, when stating that "the real point of the controversy was the right claimed [by Great Britain] to enforce her municipal law on American vessels on the high seas" (pp. 125–6), it should be taken into consideration that although the doctrine of inalienable allegiance, a municipal right, was undoubtedly the basis of impressment, the British asserted it only as incidental to the belligerent right of visit and search (Cf. Moore, *Digest*, II, 987).

Greater objection might be made to the statement (p. 626) that China was finally forced to agree to the twenty-one demands, inasmuch as the fifth group was never accepted and the others were considerably changed. Neither did the Germans accept the Versailles treaty exactly as it originally stood (p. 628). Nor is it fair to quote Article X of the League Covenant leaving out the very important phrase "against external aggression" (p. 629). Finally, Dr. Latané is mistaken when he says

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(p. 682) that Secretary Hughes forestalled the submission of the Tacna-Arica dispute to the League of Nations by insisting that it be submitted to the president of the United States. The dispute was submitted to the League by Peru in 1920 and later withdrawn. And it was not the United States, but Peru, that first suggested arbitration of the dispute by the United States.

The publishers should be complimented upon the typographical excellence and generally attractive appearance of the book. If a suggestion be permitted, the addition of maps to show the various extensions of territory and boundary disputes would add still greater value to a most excellent piece of work.

Professor Chapman's frank and unbiased study of the Cuban republic fills an important gap in the Latin American field. Considering the very close political and economic relations between Cuba and the United States and the intense interest in the whole Caribbean area at the present time, the book should prove most useful.

Professor Chapman seems to prove conclusively that the work of both General Wood and General Crowder was of superlative value to the development of the Cuban republic, and that, considering the attitude and character of President Zayas, General Crowder's task was almost as difficult as that of General Wood. The chapters on "The Constitution and Congress," "The Futility of the Law," and "Cuban Election Evils" are of particular interest to the student of politics, and the very searching essay on authorities should prove of considerable value to students generally.

GRAHAM H. STUART.

Stanford University.

Comparative Colonial Policy; With Special Reference to American Colonial Policy. By VANGALA SHIVA RAM. (Calcutta: Longmans, Green and Co., Ltd. 1926. Pp. xx, 297.)

The political morality or social value of colonial administration, including the administration of mandates under the League of Nations, being as controversial a question as it is, one despairs ofttimes of finding a balanced consideration of that problem outside of the ranks of the Mandates Commission itself. Yet here we have an Indian student of colonial problems who admits that the British Empire was "built up in a fit of absent-mindedness" and who suggests that definitive annexation by the mandatories may be a cure for some of the shortcomings of

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the mandates system. In short, we have a keen and vital, yet very well balanced, study of colonial problems by an Oriental with Western training. Lord Oliver's foreword is not too complimentary under the circumstances.

In his three hundred pages Dr. Ram has reviewed the causes and development of colonization on the part of Portugal, Spain, Holland, France, and Britain, noted briefly the German colonial movement, and has studied rather fully and very fairly the American colonial experience, before turning to the League and the mandates. The reviewer finds little with which to disagree, except, perhaps, just a shade too much doctrinaire liberalism here and there. The fine balance and realism of almost every page and paragraph, however, make even this suggestion seem gratuitous. It is worth noting, nevertheless, as an indication that Dr. Ram does not, at least, lean to the side of the Indian yes-men who merely echo the views of their British masters. Independence of judgment and clarity of understanding are here unimpaired by either alien power or native patriotism. Dr. Ram has given us a fine little book.

PITMAN B. POTTER.

University of Wisconsin.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

A most valuable contribution to the history and governmental problems of the World War is *The Bridge to France* (J. B. Lippincott Co., pp. xiii, 338), by Edward N. Hurley, war-time chairman of the U. S. Shipping Board. Although the book deals primarily with the story of the U. S. Shipping Board and the Emergency Fleet Corporation, it also throws much interesting light on the leading figures of the war period, especially Woodrow Wilson, House, Pershing, Northcliffe, Kerensky, Hoover, Reading, Foch, Lloyd George, and Clemenceau, with many of whom the author was in close contact. In many ways, one of the most absorbing chapters in the book is the first one entitled "Launching Woodrow Wilson." Here the reader will find an account of the beginning of Wilson's political career which has never before been published, with copies of letters and telegrams to substantiate the author's story. Mr. Hurley tells how Senator Smith of New Jersey was won over to Wilson's nomination as governor through the interest of himself and John M. Harlan, and shows that this step was deliberately taken as preliminary to Wilson's subsequent nomination for the presidency.

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Another book dealing with the Wilson administration and written by one who had a most prominent part therein is *An Adventure in Constructive Finance* (Doubleday, Page and Company, pp. x, 423) by Carter Glass, senator from Virginia, chairman of the House committee of banking and currency, 1912–1918, and secretary of the treasury, 1918–1920. The bulk of the book is taken up with an account of the drafting of the Federal Reserve Act, the fight before Congress to secure its enactment, and a summary of the achievements of the system. The feature of the book which is most valuable to the student of American government is the first-hand story of the progress of an important measure through Congress—the drafting of the bill, the committee stage, the opposition of leading bankers to the plan, the caucus, the fight in the House and Senate, the adjustment of differences in the conference committee, and the interest and leadership of the president. Senator Glass, with some indignation, refutes the statement in Seymour's *The Intimate Papers of Colonel House* that House was "the unseen guardian angel of the bill, constantly assisting the secretary of the treasury and the chairman of the Senate and House committees in their active and successful labor of translating it into law." The author shows that President Wilson had committed himself to every fundamental provision of the Federal Reserve Act before Colonel House knew what the bill would actually contain and that House had practically nothing to do with securing the enactment of the measure. He characterizes the chapter on "Currency Reform" in the *Intimate Papers* as "romance in the garb of history" and as a "diary of things imagined." The book is well written and intensely interesting throughout.

The New Democracy: Presidential Messages, Addresses, and Other Papers, 1913–1917, edited by Ray Stannard Baker and William E. Dodd (Harper and Brothers, two volumes, pp. xxv, 450; xii, 505), are the third and fourth volumes in the six-volume edition of Woodrow Wilson's public papers. They contain all of his important papers on public questions from his first inauguration as president until the entrance of the United States into the World War. They relate to a great variety of matters and illustrate the amazing versatility of his mind and the broadness of his interests. Arranged in chronological order, they show how his thought, which at first was concentrated on matters of internal reform, gradually shifted to the great questions of international reconstruction, in which he became the recognized leader of the world. This collection of papers is indispensable for the study of the development of his mind and thought during this period.

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Cases on Constitutional Law (Lawyers' Coöperative Publishing Company, Rochester, pp. xvi, 975), by Joseph R. Long, of the University of Colorado, contains about 250 decisions arranged systematically and conveniently in four parts on "The American Constitutional System," "Constitutional Limitations and Guarantees," "Powers of the Federal Government," and "Powers of the State Governments." Unlike most of the other case-books, there is at the beginning of each important section a brief discussion of the fundamental principles involved in the cases which follow. The range of the decisions is wide, the selection has been carefully made, and a large number of recent cases is included. The only criticism that might be directed against the book is that the attempt to cover such a large number of cases has necessarily forced a condensation of the facts and reasoning in certain instances. This defect, however, is not serious, and, judging from the experience of the writer with his own students, the volume is well adapted for use with undergraduates and should take its place as one of the most useful case-books in the field.

Readings in Recent American Constitutional History, 1876–1926, edited by Allen Johnson and William A. Robinson (Scribner, pp. 511) is a sequel to Dr. Johnson's earlier *Readings in American Constitutional History, 1776–1876*. Like its predecessor, the volume has grown out of the needs of a class in constitutional history in Yale University, and is intended primarily as a case-book for college classes. Judicial decisions, statutes, and passages from significant books and articles are presented, to a total of 136, arranged in forty-three chapters. Aside from very brief chapter introductions, the volume consists entirely of texts. These have been chosen with discrimination, and with hardly an exception are such as may be used advantageously in courses on contemporary American government as well as in those devoted to constitutional history.

The Annals of the American Academy of Political and Social Science for January, 1927 (Vol. CXXIX, pp. 167), edited by Ernest Minor Patterson, is devoted to the subject of *Federal Versus State Jurisdiction in American Life*. Herein are to be found articles on "The Need for Readjusting the Fiscal System of the United States," by Professor Seligman, of Columbia; "Prohibition Enforcement as a Phase of Federal Versus State Jurisdiction in American Life," by Hon. L. C. Andrews, assistant secretary of the treasury in charge of prohibition; "State and Federal Jurisdiction in Education," by Dr. C. R. Mann,

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director of the American Council on Education; articles on various aspects of child labor regulation by Owen R. Lovejoy, Homer Cheney, and Paul U. Kellogg; and many other helpful and suggestive papers.

Statesmanship or War, by Brigadier General John McAuley Palmer (Doubleday, Page and Company, pp. xvii, 232), deals with the influence of military and naval armaments upon the problem of war and peace. "Offensive armaments," writes the author, "tend to provoke war. Defensive armaments tend to conserve peace. The militant who proposes the former, and the pacifist who opposes the latter, both stand in the way of ordered peace. Obviously, the true path toward better world organization lies in the median way between the extremes of militarism and pacifism." With this point of view in mind, General Palmer outlines a constructive military policy for the United States which includes an adaptation of the Swiss military system to American conditions and the creation of a single department of national defense. The author is a master of his subject because not only has he had a long and varied military experience but he was also called upon by the Senate committee on military affairs to assist in drafting the National Defense Act of 1920.

Clarinda Pendleton Lamar has written a biography of her husband under the title *The Life of Joseph Rucker Lamar* (Putnam, pp. v, 284). Most of the book is devoted to the home life and early career of Justice Lamar, but there is an account of the manner in which he received his appointment to the Supreme Court of the United States, a summary of his most important opinions, and a number of interesting side-lights on social life in official circles at Washington.

The first two volumes of the *Correspondence of Andrew Jackson*, edited by Professor John Spencer Bassett (Carnegie Institution of Washington, pp. xxxvii, 508; xxv, 449) include letters by and to Jackson during the years 1788 to 1819. Both as a piece of editing and of bookmaking, this important work, which will be complete in six volumes, leaves little to be desired. Each volume contains a brief but valuable preface by the editor.

The Ronald Press has brought out an edition of Robert H. Montgomery's *Income Tax Procedure* for 1927 (2 vols., pp. 1485, 576). The second volume is of special interest to students of national government and administration because it explains the history, organization, jurisdiction, and procedure of the United States Board of Tax Appeals and discusses the review of the board's decisions by the federal courts.

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FOREIGN AND COMPARATIVE GOVERNMENT

In Great Britain it has been suggested that the legislature should be given a larger measure of control over foreign affairs. *Parliament and War*, by Francis R. Flournay (P. S. King and Son, London, pp. xi, 282), has been written for the purpose of showing the part which the British Parliament has heretofore played in the direction of one phase of foreign relations—the making of war—"with what wisdom, or lack of it, its activities have been conducted, wherein it has failed or succeeded, and what have been the causes of these failures or successes." With this end in view, the author has examined with great care the preliminaries of every war in which Great Britain was involved between 1832 and 1914, and has analyzed the influence which Parliament had in the final decision for war in each instance and in the determination of policy during the antecedent crisis. The results of Dr. Flournay's study show that the influence of Parliament over the beginning of war has been more extensive than is generally recognized. Whether that control should be increased by a definite requirement that war should be declared only upon consent of Parliament, or by the establishment of a parliamentary committee on foreign affairs, the author does not attempt to say; rather, he leaves these questions for the reader to answer upon the basis of the material presented.

Les Règlements des Assemblées Législatives de la France (Société Anonyme du Recueil Sirey, Paris, pp. 558) is a digest and compilation of all legislative rules since the National Constitutional Assembly of 1789. The work has been arranged in a most useful fashion by the author and editor, Roger Bonnard, professor of administrative law at the University of Bordeaux. The digest comes first. Its main headings are historical, such as *Seconde Restauration, Monarchie de Juillet, République de 1848*, etc. Under these are discussed most briefly the changes and developments taken up in each of the different legislative bodies. The sub-headings, such as vote *par procuration, affichage des discours, interpellations*, etc., are given in large type; then comes a summary of the action of the assembly; and then a reference to the text which is to be found in the latter half of the book, which is simply a verbatim compilation of the parliamentary rules of these various assemblies.

"The reign of Palmerston (for it was hardly less) opened in time of war. But in 1856 it passed into the milder light of peace-time. Peace, indeed, was not quite welcome at its first appearance; Tenniel's lion listened suspiciously at the key-hole of conference chambers, and

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Leech's John Bull accepted with evident distaste his ally's invitations to wear an olive-branch in his button-hole and come out to see the fireworks." The above is a good sample of Philip Guedalla's *Palmerston*, an elaborate, handsome book of some 548 pages (including bibliography and index) published by G. P. Putnam's Sons. As the sample shows, the book offers some Palmerston, a little history, and much rhetoric.

The Political Principles of Some Notable Prime Ministers of the Nineteenth Century, a series of lectures delivered in King's College, University of London, edited by F. J. C. Hearnshaw (Macmillan Company, pp. 300) is an interesting book, as one might expect from the title. Therein are to be met Canning, the Duke of Wellington, Peel, Palmerston, Russell, Disraeli, Gladstone, and the Marquess of Salisbury. Surprisingly enough, the brief lecture by Guedalla on Palmerston gives a clearer picture of the man and a more lucid explanation of his policies than the recent volume by the same author upon the same subject.

Professor Pierre Renouvin's valuable monograph, *The Forms of War Government in France*, which in the original French edition was reviewed in these pages by Professor Malbone W. Graham (Vol. XXI, pp. 187–189), has now come from the press in its English form (Yale University Press, pp. xvi, 166). The high standard set by previous volumes of the *Economic and Social History of the World War*, published for the Carnegie Endowment for International Peace, is fully maintained.

Aileen Dunham's *Political Unrest in Upper Canada, 1815–1836* (pp. 210) is No. 1 of the Imperial Studies Monographs published for the Royal Colonial Institute by Messrs. Longmans, Green and Company. The book analyzes political conditions in the province of Upper Canada from the close of the War of 1812 to the rebellion of 1837, discusses the relations of the local governments in the provinces with the Colonial Office and Parliament, and describes the early demand for "responsible government." The sponsors of the series are to be commended for launching their ambitious project with a study which combines serious scholarly work and a readable style.

The Fascist Dictatorship in Italy, by Gaetano Salvemini, former professor of history at the University of Florence (Henry Holt and Company, pp. 319), is in the main an arraignment of Mussolini in regard to the Matteotti affair. As usual in books about *il duce*, the author quotes freely from his writings and speeches. Like quotations from the Scriptures, quotations from Mussolini's utterances can be made to prove anything. This time they prove him to be a thorough scoundrel.

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The Duke University Press has recently published two historical studies covering very nearly the same time but widely divergent subjects. The first is *Labor and Politics in England, 1850–1867* (pp. 319), by Frances Elma Gillespie, a study dealing with the movements leading to the passage of the reform act of 1867; the second is an account of *Church and State in Mexico, 1822–1857* (pp. 356), by Wilfrid Hardy Callcott. This is particularly valuable for its study of the constitution of 1857 under which Mexico was until lately supposedly governed.

Victor Emmanuel II and the Union of Italy, by C. S. Forrester (Dodd, Mead and Company, pp. 24), presents a slightly novel viewpoint as to the making of Italy. This time the hero is the constitutional monarch to whom the author gives his just due, but whom he does not try to deify at the expense of Cavour and Garibaldi.

The fourth volume of *A History of Russia*, written by V. O. Kluchevsky and translated by C. J. Hogarth (E. P. Dutton and Company, pp. xii, 382), covers the period from the birth of Peter the Great to the accession of Catherine II (1672–1762). Chapters VIII and IX contain an interesting account of some of Peter's governmental reforms, especially in methods of administration, the senate, local government, and civil service.

Colonel Charles F. Phipps has brought out a first volume of the work of his father, the late Colonel Ramsay Weston Phipps, on *The Armies of the First French Republic and the Rise of the Marshals of Napoleon I* (Oxford University Press, pp. lx, 362). This volume, which deals with the *Armée du Nord*, is in the main military and biographical; but as it also covers the relations between the civil and the military authorities of the republic, it is not without interest to students of political science.

A History of the Orient (pp. 409), written by Professors Steiger, Beyer, and Benitez and published by Ginn and Company, is a good example of what an elementary text-book should be. The material is well digested, the illustrations are numerous and suggestive, and there are questions upon each chapter as well as references to collateral reading. Although the bibliography contains only works published in English, all three men have had experience in the East, the first having been connected with St. John's University at Shanghai, and the other two with the University of Manila.

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INTERNATIONAL LAW AND RELATIONS

The great literary merits of *The World Crisis, 1916–1918* (Scribner, pp. xvi, 302, x, 325) win fresh laurels for the Rt. Hon. Winston S. Churchill. His style, always distinguished and often brilliant, tempts the reader to place unwarranted confidence in arguments more plausible than conclusive, and in facts and figures marshalled to support a thesis with greater artistry than accuracy. Mr. Churchill seeks "to guide the reader to those points where the course of events is being decided, whether it be on a battlefield, in a conning-tower, in Council, in Parliament, in a lobby, a laboratory or a workshop." As an unrepentant "Easterner," he denounces the Allied commanders for the costly offensives of 1915, 1916, and 1917, and argues that the Germans "were worn down, not by Joffre, Nivelle, and Haig, but by Ludendorff. . . . . It is certain, surveying the war as a whole, that the Germans were strengthened relatively by every Allied offensive—British or French—launched against them, until the summer of 1918. Had they not squandered their strength in Ludendorff's supreme offensive in 1918, there was no reason why they should not have maintained their front in France practically unaltered during the whole of the year, and retreated at their leisure during the winter no farther than the Meuse."

Mr. Churchill has been impressed, he tells us, with "the enormous superiority of French war literature and criticism to anything that has appeared in England." Yet his bitter prejudice against Joffre, and his neglect of the French official history, the pertinent sections of which had appeared more than a year earlier, render his account of the battle of the Marne a travesty of the facts. In the Jutland controversy, Mr. Churchill walks more warily. Here the lucidity and vigor of his exposition attain a literary triumph.

In *The Problem of a World Court* (Longmans, Green and Company, pp. xxv, 204) David Jayne Hill concludes that "if the Permanent Court of International Justice were indisputably a World Court of Justice, however imperfect, it would be in line of American tradition to become a participant in its organization and maintenance." But in the opinion of the author it is not "in reality a World Court of Justice" but "merely an organ of the League of Nations designed to serve its distinctive purposes." Particular objection is made to that part of Article 14 of the Covenant which gives the court power to render advisory opinions upon any dispute or question referred to it by the council or by the assembly. This has given rise to the suspicion that the court "is not

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so much designed to be a court of justice as a shield for the political and military procedure of the League, by giving its action the *éclat* of judicial approbation." The solution of the problem, according to Mr. Hill, is to be found in the calling of a Third Hague Conference where the "Society of Nations," and not the "League of Nations," could take up the question of establishing a "world law" and a "world court."

The History of Reparations, by Carl Bergmann (Houghton Mifflin Company, pp. xv, 333), is an English translation from the German of an able book on the reparations question. The first part of the volume summarizes the history of the question from the Peace Conference to the establishment of the payments in the London Schedule of May, 1921. The second part discusses the efforts to make Germany fulfill these payments. Part three discusses the occupation of the Ruhr, and part four, the Dawes Plan. In the final section the author reaches the conclusion that the outlook for transfers under the Dawes Plan is poor and that it is doubtful whether Germany can meet the payments which come due in 1929. He emphasizes the fact that the manufactured goods with which the reparations must be paid have a limited market, especially in view of the high tariff in many countries, notably the United States. The reparations question, in his opinion, can be settled only by a policy of loans. As German prosperity grows, Germany will participate in the redemption of these loans to an increasing extent. The moderate, as well as interesting, style in which this book is written is noteworthy.

In his new book, *France and America* (pp. 312), published by Houghton Mifflin Company, André Tardieu discusses the relations between the two countries, pleads for a better understanding between them, and tries to assist in bringing it about by an unsentimental analysis of the situation. *American Opinion of France* from Lafayette to Poincaré is set forth by Elizabeth Brett White (Alfred Knopf, pp. xvi, 346) in her study of contemporary sources on that subject. She has gone through a vast amount of periodical and newspaper material to get her information. Emphasis is laid upon the early period, and our relations with France during and since the last war do not play a preponderant part in the book as a whole.

Professor Leland Hamilton Jenks has not failed to recognize and to set forth the political aspects of *The Migration of British Capital to 1875* (Knopf, pp. xii, 442). Much of the material bears on the relationship of foreign investments to foreign and imperial political projects, on the

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influence of foreign investors upon the Foreign Office, and on what the author terms "the government loan business." The valuable bibliographical notes comprise a separate section of seventy-five closely printed pages.

The Journal of the Royal Institute of International Affairs, beginning with January, 1927, Volume VI, No. 1, which was formerly issued for members of the Institute, is now on sale, at 1s. 6d. for the January number. This number contains two leading items—"Some Aspects of the Imperial Conference," by Rt. Hon. L. S. Amery, M. P., and "International Aspects of Migration," by D. Christie Tait, of the International Labor Office—together with book reviews and the British memorandum of December 16, 1926, on China.

The knowledge and opinions of a first class newspaper correspondent on *How Europe Made Peace without America* are given by Frank H. Simonds in his book of that title just published by Doubleday, Page and Company (pp. 401). The book has excellent type, good paper, and an index. The author's viewpoint is that America is not an eagle in foreign affairs, but an ostrich.

LOCAL GOVERNMENT

English Poor Law History: Part I. The Old Poor Law (Longmans, Green and Company, pp. x, 447), by Sidney and Beatrice Webb, is the next to the last volume in the Webbs' monumental work on English local government. It gives a systematic history of English poor relief from the sixteenth century down to the reforms of 1834. "Confining ourselves to the English experience," write the authors, "we see that the local authorities to which the administration of the poor law was entrusted were . . . . with the growth of population and industry . . . . calamitously unequal to their task. The inefficiency of the methods of relief can be paralleled only by the corruption of its administrators. . . . . Where the poor law machinery failed most glaringly was, first, in the division of authority between vestries and parish officers, on the one hand, and the justices of the peace and the court of quarter sessions on the other, among whom there was seldom for long any agreement as to the consistent application of any relief policy; and, secondly, in the absence of any central authority, able to promulgate and enforce uniformly throughout the whole kingdom any common policy whatever." It was the breakdown of local self-government which at the same time necessitated the reforms of 1834 and made them so per-

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plexing. It is needless to remark that the book maintains the same high standard as the other works by Mr. and Mrs. Webb.

Public Welfare Administration, by Sophonisba P. Breckenridge (University of Chicago Press, pp. xxiii, 786), contains about 200 selections from statutes, public reports, and other official sources. The material is arranged in three parts. Part one covers the period prior to 1863, when public welfare administration was almost wholly in charge of the local units. Part two includes selections covering the period from 1863 to 1917, a period characterized by the creation of state boards of charities, the application of the merit system, and the movement from supervision to central control. Part three deals with developments since 1917, especially the effects of state reorganization plans upon public welfare administration, problems of county charitable administration, the central authority and the city, and the proposals for a federal department of public welfare. This book should appeal particularly to students of state and local administration.

Readings in Urban Sociology, by Scott E. W. Bedford (D. Appleton and Company, pp. xxxiv, 903), is an invaluable book for teachers of municipal government who are interested in giving more attention to the sociological aspect of their subject. The volume contains over 500 selections from books, journals, and reports grouped under the following headings: location and growth of cities; city planning; streets and alleys; transportation and traffic; civic aesthetics and architecture; public health and safety; housing; the community and neighborhood; and social adjustment. For each chapter there is a carefully classified bibliography, questions for discussion and study, topics for investigation, and a list of suggested field trips. The author is to be commended for his judgment in the selection of material and for the systematic manner in which it is arranged.

The Legal Aspects of Zoning, by Newman F. Baker (University of Chicago Press, pp. xii, 182), is a revision of certain articles which originally made their appearance in various law reviews, were later reprinted, bound together, and as such noted in the REVIEW for November, 1926 (Vol. xx, p. 920). The more important topics covered are municipal aesthetics and the law, zoning legislation, the zoning ordinance, zoning boards of appeal and the legality of zoning. The last chapter on "The Problem of the Metropolitan Area or Region" shows that zoning, like city planning in general, has become a regional concern. The book is perhaps the most useful treatise on the legal phases of

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zoning which has appeared since J. B. Williams' *The Law of City Planning and Zoning* (1922). The advisory committee on city planning and zoning of the U. S. Department of Commerce has prepared *A Standard City Planning Enabling Act* (pp. 80) which provides for the organization and powers of planning commissions, both municipal and regional.

The Report and Recommendations of the Metropolitan Street Traffic Survey (pp. 292), prepared under the direction of the street traffic committee of the Chicago Association of Commerce by Dr. Miller McClintock, of the Albert Russell Erskine Bureau for Street Traffic Research, is the most comprehensive survey of the kind which has come to the attention of the writer. The report includes a study of street use in Chicago, physical and other factors that have increased the density of street traffic in the city, the economic effects of traffic congestion, the accident problem, the pedestrian problem, the parking problem, traffic police, traffic signals, the courts, administrative responsibility, and a summary of recommendations for traffic relief. There are numerous tables, illustrations, and the draft of a proposed traffic ordinance for the city of Chicago. The report points out that the diffusion of responsibility among a large number of local governments is a very serious obstacle to the control of traffic in metropolitan Chicago, and concludes that there should be a reorganization of the traffic division of the police department as well as provision for a firmer and more systematic enforcement of traffic law in the courts.

Behind the Scenes with a Newspaper Man, by E. J. Stackpole (Lippincott, pp. 325), and *The Gentlemen from the 22nd*, by Senator Benjamin Antin (Boni and Liveright, pp. 301), deal with state and local politics in Pennsylvania and New York respectively. As a reporter and editor of the *Harrisburg Telegraph* over a period of forty years, Mr. Stackpole was in a most favorable position to view politics at close range. His book is full of observations, recollections, and anecdotes concerning such well known figures as Quay, Penrose, Roosevelt, the governors of Pennsylvania, and lesser lights. There are also accounts of certain sessions of the legislature, boss rule and the direct primary, and the sensational primary campaign of 1926. Mr. Antin's book is the story of his own rise from an immigrant lad to the chairmanship of the committee on public education in the New York senate. Writing in a terse and nervous style, Senator Antin tells about political life in New York and also about his fight for social reforms. Both of these books should be useful to teachers of municipal and state government and politics.

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Publication Number 2 of the recently established Municipal Administration Service is George N. Thompson's *The Preparation and Revision of Local Building Codes* (p. 26). The author is secretary of the building code committee of the U. S. Department of Commerce.

POLITICAL THEORY

Declining Liberty and Other Papers, by John A. Ryan (Macmillan, pp. x, 350), is a collection of twenty-nine articles and addresses grouped under three headings: political, economic, and social. They deal with a wide range of subjects—prohibition, liberalism, Mexican tyranny, Fascism, feminism, the teaching of evolution, war debts, labor problems, divorce, birth control, standards of living, and the spiritual element in social work. Throughout them all appears, more or less prominently, the problem of the relationship of the Roman Catholic Church toward American government, society, and economic life. In facing the issues raised in these fields Professor Ryan has what may be termed a liberal point of view. However, as he shows in his paper on "Liberalism," the term is of doubtful accuracy. This is particularly apparent when a conflict arises between "liberal" political or economic attitudes and traditional doctrines of the Church. The resulting principles are usually far more consistent with the latter than with the former. The most interesting and suggestive illustration of this in the present volume is to be found in the title essay where the author argues that civil, economic, and political liberty are "more gravely jeopardized in the United States today than they have been at any time since the beginnings of the nineteenth century." To support this conclusion he cites many recent examples: the Karolyi case, foreign loan restrictions, prohibition, the injunction in labor disputes, the Criminal Syndicalism Act of California, and the Gitlow case. In order that no one may misunderstand his attitude, an appendix on "Freedom of Speech" is added to the paper. In this Fr. Ryan cites with complete approval the Encyclical of Pope Leo XIII on Human Liberty, in which the principle is laid down that there is no complete liberty of expression, which "is the fountain head and origin of many evils." The truth of this, we are told, "is too evident to need formal statement." However, the conclusion which the author draws, after surveying the arguments in favor of freedom of expression, is that, as a practical matter, and "except in the case of a few fundamental principles which scarcely any one questions, complete liberty of speech and writing, within the limits of public decency, should be permitted and protected in the domains of politics and

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economics." One can but wish that the excellent discussion contained in these pages had been a little more explicit about the nature of these "fundamental principles" which are never to be questioned. It is only fair to add that the same obscurity is not present in most of the papers. Style and content alike will recommend them to a wide circle of readers. A new and enlarged edition of the same author's *Distributive Justice* has also been issued by Macmillan.

B. F. W.

In *The Public Mind* (Dutton, pp. x, 232) Mr. Norman Angell discusses, in popular and interesting fashion, some of the shortcomings of public opinion. These defects and weaknesses, he finds, are due principally to the lack of information and of reflective judgment, and to the hysteria produced by war and the rumors of war. It is not argued that the disorders of the public mind are necessarily greater at the present time than in the past, but it is urged that such errors are now more damaging, "because they affect government more decisively and because society has become more vulnerable as it has become more complex." Mr. Angell might well have given careful consideration to this contention; it is probably incapable of proof, but it does not follow that it is therefore to be taken for granted. He prefers, however, to cite, usually at length, a number of fairly recent examples of public opinion gone astray. Nearly all of these are interesting; some of them are quite suggestive; others, of less interest and importance, seem to have been included only because the author had the material ready to his use. After his examples have been set forth, he proceeds to consider "what can we do about it?" We cannot find a substitute in dictatorship, for the simple reason that dictatorship is merely a form of democracy; in the long run the people dictate to the dictators. Our only hope to make democracy safe is to "face squarely the fact that the voice of the people is usually the voice of Satan," and to educate for social judgment. Mr. Angell does not tell us just how we are to induce the people to believe the first nor how we are to train them for the second.

A new contribution to the theory of law is the work of the Dutch scholar, Dr. Adriaan Stoop, entitled *Analyse de la Notion du Droit* (H. D. Tjeenk Willink and Zoon, Haarlem, pp. 251). His method, as the title would imply, is an analytical study somewhat after the fashion of Stammler in his *Theorie der Rechtswissenschaft*. His conclusions, in general, belong to that school which upholds the theory of modified natural law of which the German writer is a proponent,

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but he does not agree with the definition of Stammler that positive or objective law is "the inviolable, autocratic, external rule whose enforcement is possible," inasmuch as this implies that there is no unjust law. His own definition is that "law is that collection of imperative and permissive rules whose violation will provoke such feelings of dissatisfaction of a special nature in the social group where they are in force, that the prompt abatement of such dissatisfaction will be desirable in the interest of maintaining the pacific character of the social relations in this group," thus leaving a loophole for such acts of tyrants as are contrary to the general concept of justice. It is interesting to note that in calling attention to the unjust laws promulgated by the tyrant legislative bodies of our times, his two concrete examples are the anticlerical laws of France (1905) and the prohibition law of the United States. Withal the author is a firm believer in democracy: "La tyrannie des parlements est douce, leur sottise est sagesse, comparées à celles qu'on subissait sous l'ancien régime."

The Story of Civil Liberty in the United States, by Leon Whipple (Vanguard Press, pp. x, 366), is a book which deals not with the rights, privileges, and immunities of the majority, but with the failure of the majority to respect and maintain the liberties of minorities. The author does not seem to believe it necessary to defend the theory that minorities should be protected; rather does he present examples of persecution and permit them to argue the thesis which is implicit throughout the whole of his book. The illustrations are taken from nearly all periods of our history and from a wide variety of situations. Tories, Abolitionists, Quakers, negroes, labor leaders, conscientious objectors, authors, playwrights and producers are among those who are cited as cases of one or another sort of oppression.

Thomas Paine, Prophet and Martyr of Democracy (pp. 413) is a biography written by Mary Agnes Best and published by Messrs. Harcourt, Brace and Company. It is a nice job, showing a foundation of research, a careful and not too numerous selection of quotations, and plenty—perhaps a bit too much—of adroit verbal trimming. If one wishes to be entertained by "a penniless corsetmaker on the edge of middle age" who "emigrates in search of a job and becomes the instrument for wresting a great continental possession from a mighty empire," he should by all means read this book. If one is looking for pure political theory, however, there is little to be found here.

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MISCELLANEOUS

American Masters of Social Science (Henry Holt and Company, pp. vii, 411), edited by Howard W. Odum, describes, through biographical sketches of nine outstanding American scholars, the advance that has been made during the last half-century in instruction, research, and publication in the fields of history, government, economics, and sociology. Very appropriately, the volume begins with an essay on John William Burgess, professor emeritus in Columbia University, "the progenitor of much that is noteworthy during the past fifty years in the advancement of research and productivity within the fields of thought to which his life has been devoted." The author of this chapter is Professor William R. Shepherd, of Columbia. The other essays are on Lester Frank Ward, by James Q. Dealey, of Brown; Herbert B. Adams, by John Martin Vincent, of Johns Hopkins; William Archibald Dunning, by Charles E. Merriam, of Chicago; Albion Woodbury Small, by Edward C. Hayes, of the University of Illinois; Franklin Henry Giddings, by John L. Gillin, of the University of Wisconsin; Thorstein Veblen, by Paul T. Homan, of the University of California; Frederick Jackson Turner, by Carl Becker, of Cornell, and James Harvey Robinson, by Harry Elmer Barnes, of Smith College. "It was inevitable that men of such preparation, scholarship, and personalities would have an important part in the shaping and development of the social sciences," writes the editor. "Broad-minded, judicious, capable of leading and of following, inspiring both esteem and work, to know any of these men, to observe closely their careers, is to become imbued with the spirit and atmosphere of social study, and to be stimulated to effective effort. . . . . Such personalities were dominant in many ways. In order to understand even a small part of their influence upon scholarship one must read and ponder the stories of their work. . . . . Their influence upon thousands of their students is one to challenge study and emulation" (pp. 16–17).

Among the most important of recent commentaries by a foreign observer of the contemporary American scene is André Siegfried's *America Comes of Age* (Harcourt, Brace and Company, pp. x, 358). The book deals with American civilization under three groupings, ethnic, economic, and political. In the first part, origins, the "melting pot," puritanism, prohibition, the negroes, immigration, and the Ku Klux Klan are passed upon in brief chapters. The second part deals primarily with labor and the industrial situation, with some attention to world trade and foreign

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loans, while the third takes up the domestic political situation and some aspects of our relations with England, France, and Asia. Covering, as it does, such a range of topics, the book is necessarily replete with hasty generalizations and over-simplifications of involved problems. For the American student of these subjects there will doubtless be little that is new, except the point of view of a trained French observer and his reactions to our folkways. But although those may be interesting as a study in foreign attitudes, they do not cover over the many shortcomings on the side of superficiality. Is it not rather a strain upon our credulity to be asked to believe that the contrast between America and Europe is one between "industrial mass production which absorbs the individual . . . . as against the individual considered not merely as a means of production and progress but as an independent ego?" Nor does it seem so apparent that the spiritual and intellectual attitude of Europe and Asia alike is typified by Ghandi, while that of America is adequately represented by Ford. These excerpts from Professor Siegfried's conclusions do not, however, do justice to the general spirit and nature of the book. On the whole, it is realistic and based upon careful study and observation.

A book that will be of interest to the student of the history of American politics is *Main Currents in the History of American Journalism*, by W. G. Bleyer (Houghton Mifflin, pp. x, 464). An introductory chapter is devoted to the early history of English journalism. After that the author takes up successively the early colonial newspapers, the press during the Revolution, the rise of the political press, and the beginnings of the penny papers. Most of the remainder of the book, about 240 pages, is given to the discussion of particular journalists and newspapers, among them Bennett and the *Herald*, Greeley and the *Tribune*, Bowles and the *Republican*, Godkin and the *Nation* and *Evening Post*, Pulitzer and the *World*, and Hearst and the *Journal*. The final chapter presents an interesting summary of the development of the contemporary newspaper. A good bibliography and index add to the book's usefulness. The author is professor of journalism in the University of Wisconsin.

During the last few years considerable attention has been given to arbitration as an expert and speedy method of settling business disputes and as a means of relieving congestion in the courts. The system has been especially successful in the moving picture industry, in the building trades, and among commission merchants. Daniel Bloomfield has compiled and edited for the H. W. Wilson Company a volume of

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Selected Articles on Commercial Arbitration (pp. xxxv, 341). This contains articles on the history and growth of commercial arbitration, the scope and use of arbitration, typical rules of procedure, legal aspects, and arbitration laws. Like other volumes in the *Handbook Series*, the present work contains a bibliography and affirmative and negative briefs. An appendix includes sample arbitration forms and the rules of the arbitration committee of the American Arbitration Association.

The outstanding features of *Proceedings of the Governmental Research Conference, 1926* (mimeographed, pp. 80) are papers by Trevor Arnett on "The Management of Endowment and Sinking Funds" and Charles A. Beard on "Government Research; Past, Present, and Future." Among subjects enumerated by Dr. Beard as specially calling for intensive study are economic and administrative problems of city planning, village and rural government, regulation of public utilities, standards of measurement for testing the quality of government functioning, and the nature of government action in time of public disaster, e.g., earthquake, fire, and flood.

The Financial System of India, by Gyan Chand (Kegan Paul, Trench, Trubner and Company, London, pp. xix, 444), is an account of budget procedure, the relations of central and provincial finance, the collection of revenues, the audit of accounts, the accounting system, public debt, and local finance of India. The author shows that, on the whole, Indian public finance is on a sound basis, although he points out many serious defects such as the far-reaching control of the Secretary of State over the finances of the country, lack of opportunity for proper examination and discussion of estimates by the legislature, etc. At the same time, he issues a warning to the leaders of the national movement that the "financial system is a delicate machine" which may be wrecked by party politics and urges that they have patience with necessary restrictions which may seem to them annoying. The book is carefully written and shows a clear understanding, not only of public finance, but of administration and of the interplay of politics and finance.

The Penetration of Money Economy in Japan and its Effects upon Social and Political Institutions, by Miss Matsuyo Takizawa (Columbia University Press, pp. 159), is a doctoral dissertation which attempts to interpret in the light of an analysis of economic conditions the various institutional changes of the later Tokugawa period, culminating in the Meiji revolution of 1867. The period of transition from natural economy

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to money economy is surveyed in relation, particularly, to the effect of money upon the development of towns, the decline of the village community, the decline of the samurai class, the ascendency of the moneyed class, the disintegration of the old family system, and the fall of the Shogunate. A bibliography of upwards of a hundred titles lists works by Japanese writers exclusively. The volume is an important contribution to an understanding of the beginnings of our present economic system.

Soviet versus Civilization (D. Appleton and Company, pp. 107), by a journalist who writes under the name of "Augur," is of especial significance because of the recent break between England and Russia. The author, writing prior to the breach, describes the anti-British activities of the Soviet government in China and England and closes with the advice that England take measures "to protect civilized society against the attack of alien Moscow." The discontinuance of diplomatic relations is suggested as one of the measures.

Mr. G. D. H. Cole's *A Short History of the British Working Class Movement* (Macmillan, pp. 211) is perhaps a sign that the American text-book habit has infected the "tight little island." With clean, expository strokes, Cole brings the story from the Industrial Revolution to 1900. Before 1850, he takes pains to emphasize the close relation between the coöperatives, the trades unions, and the Radical political program. After 1850, these drifted apart, and in his next volume Mr. Cole promises to tell how they converged after 1900.

Where Freedom Falters (Charles Scribner's Sons, pp. xxii, 390), by the anonymous author of *The Pomp of Power*, is chiefly a criticism of the United States. It is written in entertaining fashion, but after all it is trite to call us the world's banker and complain of our foreign policy, prohibition, and the evasion of the Fifteenth Amendment.

Law for Wives and Daughters, by Henry W. Jessup (Macmillan, pp. lx, 208), is a non-technical explanation of the legal status, rights, duties, liabilities, and risks of American women.

The following books in economics, containing some material of interest to students of government, have been received: *Unemployment*, by George W. Mullins (Longmans, Green and Company, pp. xiii, 140); *Industrial Conflict*, by F. W. Ogilvie (Oxford University Press, American Branch, pp. 39); and *Public Utility Finance*, by Walter E. Lagerquist

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(A. W. Shaw Company, pp. 671). In the last of these books students of state and municipal government will find discussions of such topics as the characteristics and development of public utilities, franchises, and government regulation of public utility securities, in addition to the more technical material dealing with public utility finance.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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LOCAL GOVERNMENT

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